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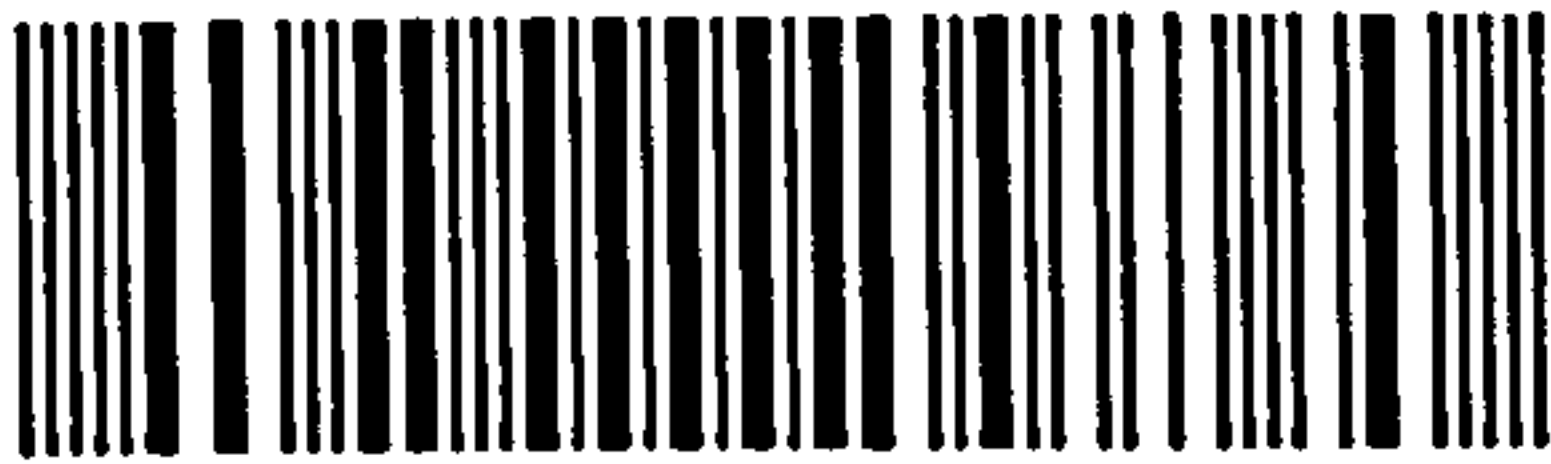
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IMPLEMENTATION ACROSS NATIONAL BOUNDARIES

Implementing the Government of India Act, 1935

by

Vidya Borooah M Sc

Submitted for the degree of Doctor of Philosophy

Author's Number: HDH 2411
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Social Sciences
(International Relations)

May 1986

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Abstract

This thesis examines decisions made in one country and implemented in another. Implementation of such decisions is explored principally by means of a case study of implementation, namely implementation of the Government of India Act, 1935, passed by the British Parliament that year. The first chapter shows, that decision-making literature, in the field of international relations, has concentrated on the process by which decisions are arrived at, while implementation of such decisions has been largely neglected. Where implementation has been dealt with in the literature, it can be organised in terms of two models. A third model of implementation which describes better the implementation process, and a number of propositions about implementation derived from the existing literature are put forward. The model and propositions are tested against the case study. The method adopted is one of using case studies to build theory. The implementation of three decisions within the 1935 Act is examined; the first dealt with division of revenues between the centre and the provinces; the second, the grant of autonomy to the provinces; and the third, the establishment of an all-India federation to include both, the princely states and the provinces of British India. The model and the propositions guide the analysis of the case studies, though these are not rigidly structured in order to allow the idiosyncratic aspects of each case to be taken into account. The period having been thoroughly examined by historians, mainly secondary sources were used, though some primary material, not fully examined by historians till now, was used in the first case study. The first two decisions were implemented, while the third was not, and a comparison between the three cases is made in the concluding chapter. The chapter examines the evidence for the model and for the propositions that was found in the case studies. Comparison of the three cases enables conclusions to be drawn about factors that are conducive to successful implementation, and those that are antithetical to implementation.

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Preface

In the course of studying international relations, I had found the subject of decision-making one of particular interest. The very simplicity of the idea on which it is based was attractive. The pioneering works by Snyder, Bruck and Sapin, and by Allison, seemed to state the obvious. Yet, till then, though decision-making had been analysed in other fields, it was absent in the analysis of international relations. A very different approach had been implicitly used to analyse the behaviour of states as Allison convincingly showed. After decision-making analysis had been introduced as an explanation of state behaviour, it flourished, and a vast and complex literature now exists on this subject.

Despite the existence of this body of literature, one aspect of the subject did seem to be neglected - this was the implementation of decisions. While at first it seemed this aspect had been completely ignored, more careful reading revealed that implementation issues had been implicitly dealt with. Going outside the literature on international relations, it became clear that there were several works which dealt with issues of implementation, such as implementation of specific government programs or of implementation within a bureaucracy. Recently however, works dealing specifically with foreign policy implementation have appeared. Just as decision-making analysis developed first outside the study of international relations and was applied to it after a time lag, so too with implementation; it has been analysed in other fields such as public administration and is only recently being studied in international relations. It is with this emerging body of literature that this thesis belongs.

My preference in exploring this aspect of decision-making was to adopt the case-study approach (coincidentally also adopted by others who have tackled this subject). The case study chosen was from the Indian subcontinent, and as one who was born and grew up there, I have an abiding interest in events in that area, both past and present. The formation and passing of the Government of India Act, 1935, was an important step on India's path of independence from Britain. Implementation (and non-

implementation) of the provisions of the Act was crucial to the shaping of future events in India. One of the major provisions of the Act, the establishment of an all-India federation was not implemented, and this provides one of the interesting 'ifs' of Indian history, for, it has been suggested, if federation had been implemented, the partition of the subcontinent in 1947 would have been avoided. Thus the case-study provided both, an intrinsically interesting subject of study, and one which was fruitful for the analysis of an aspect of decision-making that had been neglected, namely implementation. The fact that India was still a colony of Britain, meant that British policy towards India could not strictly be termed foreign policy. The main title of the thesis (also the title of an article by H. Wallace, referred to in the thesis), was chosen as one which provides a correct description of the subject matter of the thesis.

I should like to thank my supervisors, David Potter and Richard Little for the guidance and encouragement they gave me over the many years that this research stretched. Though both were extremely busy with their own teaching and research, both gave generously of their time and were always available when I needed their help.

David Potter I saw frequently over the years. He kept a close eye on my progress and subjected all I said or wrote to close scrutiny and examination. He was always critical of muddled thinking or writing, unnecessary digressions, and failure to pay attention to details, but the criticism was always combined with encouragement to continue with my research. His support over the years ensured that the research was brought to a conclusion.

I am grateful to Richard Little for continuing to supervise my work even after he left the Open University and moved to the University of Lancaster. We had few meetings, but they were crucial to the thesis and at long sessions, he helped me to sort out the main issues. He read and commented on everything I sent to him with a speed that can only be described as remarkable, and throughout expressed a willingness to arrange future meetings or to discuss my work on the telephone.

I am grateful to the Master, Fellows and Scholars of Churchill College in the University of Cambridge for allowing me access to the Grigg Papers. I acknowledge with gratitude the permission given by D.C. Grigg Esq., to quote from the Grigg Papers. My personal thanks go to the Archivist, Marion M. Stewart for her helpful and welcoming attitude to visitors to the Archives Centre.

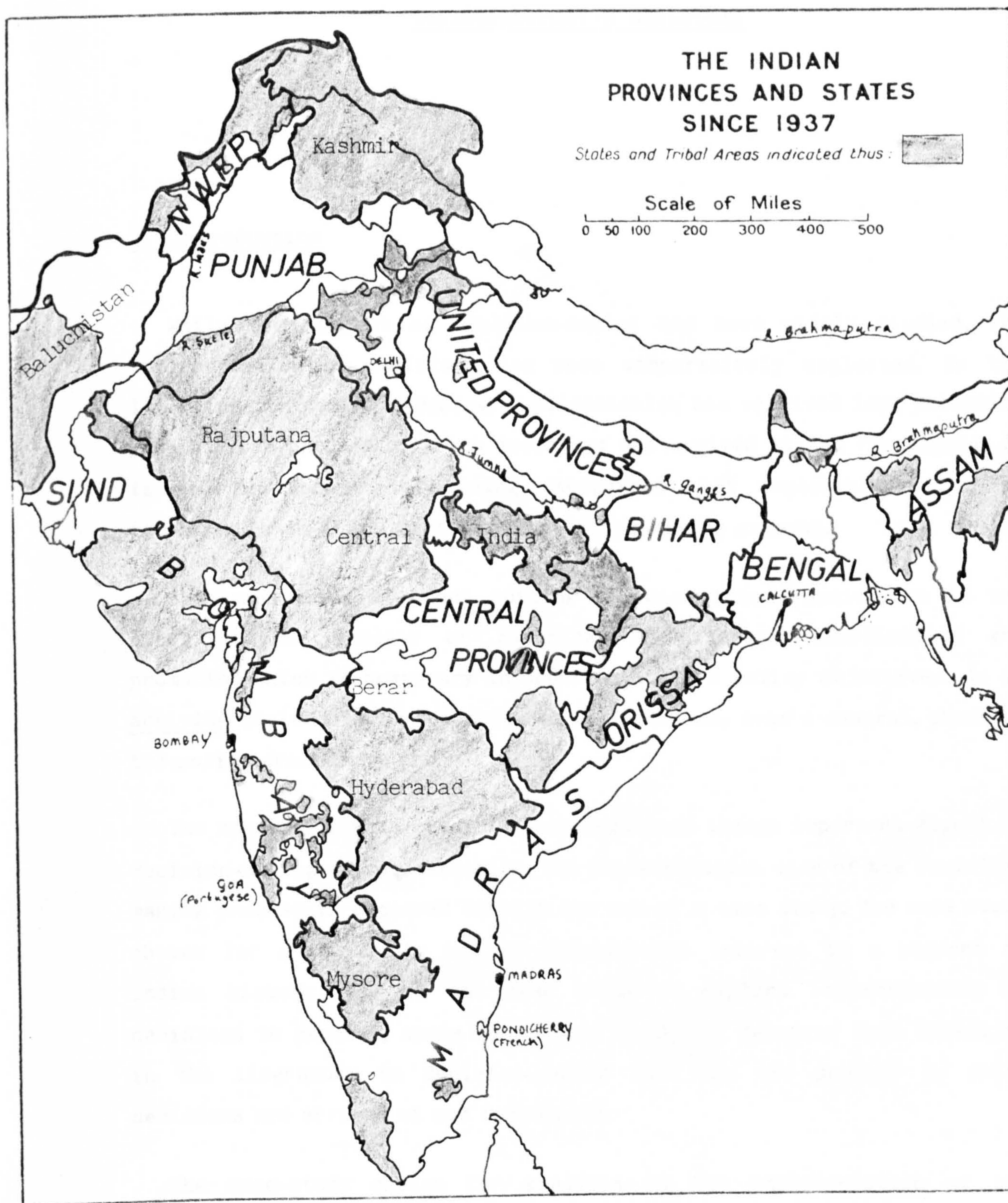
I should like to thank Bobbie Coe of the Faculty of Economics, University of Cambridge, for all the excellent advice she gave me while I grappled with the complexities of typing on the computer. Without her assistance, the task I had set myself, of typing the thesis, would have proved impossible. Finally, my thanks go to Gill Worsdall who stepped in at short notice and drew the map.

List of Abbreviations

AICC	All India Congress Committee
AISPC	All India States Peoples Congress
B & O	Bihar & Orissa
CP	Central Provinces
CSCE	Conference on Security and Cooperation in Europe
DO	Demi Official (letter)
EC	European Community
EDA	Economic Development Administration
EEC	European Economic Community
Ex Com	Executive Committee (of the National Security Council)
FBM	Fleet Ballistic Missile
HMG	His Majesty's Government
ICBM	Inter Continental Ballistic Missile
IMP	International Monetary Policy
IPC	International Petroleum Company
NWFP	North West Frontier Province
PERT	Program Evaluation and Review Technique
PLA	Provincial Legislative Assembly
RTC	Round Table Conference
SPO	Special Projects Office
UDI	Unilateral Declaration of Independence
UK	United Kingdom
UN	United Nations
UP	United Provinces
US	United States
USA	United States of America

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Chapter One

Implementation of Decisions

1.1 Introduction

While the subject of decision-making has been widely studied, the implementation of decisions has been comparatively neglected. In the literature on decision-making, implementation has received less attention than has the process by which decisions are arrived at and formulated. It is however increasingly being recognised that implementation is an important, even vital, part of the decision-making process.

"Implementation is about putting policies into practice. It is the often complex process of planning, organisation, coordination and promotion which is necessary in order to achieve policy objectives. As an activity implementation constitutes an important, even a central, phase in the policy process." [1]

The subject of this study is this neglected though important aspect of decision-making - implementation. The implementation side of the decision-making process is explored through the use of a case study. The case study chosen for analysis, is one of considerable interest to a student of Indian history. Use of the case study to explore implementation of decisions in general, opens up an area which has received less attention in the literature on decision-making than has the process by which decisions are arrived at and formulated.

The case-study chosen for analysis is the implementation of the Government of India Act, 1935. Events in India after the passing of the Act

[1] Hyder, M. (1984) "Implementation. The Evolutionary Model.", in Lewis, D. & Wallace, H. (eds) Policies into Practice, London, Heinemann Education Books, p 1.

are reexamined as attempts to implement a major decision. The Government of India Act, 1935, was a major decision about the future of India; major because of the length of the Act, the number of features incorporated within it and the wide-ranging changes it was to bring about in the government and administration of the country. The formation and passing of the Act, stretching as it did over a period of 8 years and involving numerous people both in Britain and in India, was an important development in modern Indian history. It was not however the passing of the Act that would bring about the proposed changes, but its implementation. The Act came about in response to developments in India, and its implementation would be an important determinant of future developments.

Thus events in India during the years when attempts were made to implement the Government of India Act, 1935, provide an interesting case study which can be analysed to explore implementation in general. Implementation is examined by means of a model of implementation and several related propositions derived from the literature which are to be tested against the case study. The propositions help structure the case study, for they raise a number of questions to which answers are sought in the exposition of the case study.

While it is possible to regard the Act as one major decision, [2] it is more correct to regard it as being composed of several decisions. The Act had two major provisions. First, by granting a further measure of self-government in response to nationalist demands, it was a means by which the British sought to avoid violent revolution in India. Secondly, the Act proposed the formation of an all-India federation which would bring together the provinces and the princely states, Hindus and Muslims, and thus retain the unity of the country. The Act also incorporated within it several less important provisions. In this it showed a similarity with other major pieces of legislation, which often bring together several

[2] See Ghosh, S.C. (1972) Decision-Making and Power in the British Conservative Party, Calcutta, Oceania Publishing House. The author examined the decision-making process within the Conservative Party, by studying a particular decision, the formation of policy towards India within the party, which culminated in the passing of the 1935 Act. Ghosh focuses on the role played by the various sections of the Conservative Party in the making of this decision.

decisions in one document. For example, when examining Britain's policy towards the CSCE (Conference on Security and Cooperation in Europe), Clarke found:

"The demands of the Final Act, [3] as we have seen are intellectually and behaviourally various, and the scope of governmental concern that they cover is very wide. So we should be aware that when we refer to 'Britain's policy' towards the CSCE, we are in fact referring to a whole series of different policies and types of behaviour that are co-ordinated, mainly in the mind of the observer, under the general heading of 'CSCE policy'." [4]

Not only is such an approach more correct, it is also more fruitful for analysis, for it brings an awareness that different decisions require different implementing activities, different 'types of behaviour'. It also permits comparison between cases of successful and unsuccessful implementation which can be used to throw light on factors which affect implementation.

Ideally, a study of the implementation of the provisions of the Government of India Act, 1935, should analyse implementation of the two major decisions and of all the minor decisions. This would, however, make the study unmanageably large without contributing substantially to our understanding of the implementation process. Instead, it is proposed to study implementation of the two major decisions, which select themselves, and one comparatively less important decision, dealing with the financial relations between the centre and the provinces. [5]

Several issues are raised by the adoption of the above approach, the use of a case study (or case studies), to examine implementation in general, and these are dealt with in this chapter. First of all, the adoption of a social sciences approach to historical events, events which are unique, has been the subject of much controversy and some of the arguments on both sides of the debate are summarised below. Next, the

[3] Helsinki Declaration of August 1975.

[4] Clarke, M. (1985) "The Implementation of Britain's CSCE Policy, 1975-84," in Smith, S. & Clarke, M. (eds) Foreign Policy Implementation, London, George Allen & Unwin, p 148.

[5] For the reasons for selecting this particular decision see Chapter 2.

chapter examines the major theoretical works in the available literature on decision-making and shows that while the process by which decisions are formulated has been examined in detail, the issue of implementation has been largely neglected. Some discussion of implementation is implicit in the literature, and this is organised in terms of two models. A third model of implementation is put forward. Several propositions about implementation are derived from the literature, and these are to be tested in the analysis of the case studies. The next section deals with the use of case studies in theory or model building. It shows that this is a method that is gaining importance in the social sciences, and is one that has been adopted by several analysts. The final section provides a brief sketch of the historical background to the Act to set the scene for the case studies that follow.

1.2 Scientific vs Historical Approaches

The use of a case study to develop theoretical propositions about implementation involves adoption of a social scientific approach to the study of a historical event. To question whether adoption of such an approach can improve our understanding of the subject is to question the application of the scientific method to the social sciences. In the field of international relations, there have been, over the years, heated debates on whether the scientific or historical method should be adopted as the mode of study.

Those advocating the scientific method believe that, despite the complexity of the international arena, there are regularities in international affairs, distinct patterns of behaviour. These regularities will not be revealed to anyone who concentrates merely on studying the facts, but if the facts are structured with the help of a theoretical framework, an underlying order will be revealed. Waltz [6] is emphatic that collection of more and more data, establishing more and more correlations, will not lead to a better understanding, since data cannot

[6] Waltz, K.N. (1979) Theory of International Politics, Reading, Massachusetts, Addison Wesley Publishing Co.

speak for themselves. It is not enough, he writes, to examine numerous cases and hope that connections and patterns will emerge. To get beyond the facts of observation to explanation, theory is necessary.

"A theory is a picture, mentally formed, of a bounded realm or domain of activity.... A theory indicates that some factors are more important than others and specifies relations among them. In reality, everything is related to everything else, and one domain cannot be separated from others in order to deal with it intellectually." [7]

Theory seeks answers to questions such as how things work, what causes certain effects, why certain events occur. Theories indicate what is connected with what and how the connection is made, they convey a sense of how things hang together. It makes, in his opinion, little sense to manipulate data, until the questions of how variables may be connected is answered. Theoretical questions must be raised at the outset of inquiry. Thus, the social scientist, with the help of theory, attempts to uncover underlying patterns of behaviour and hopes to base predictions of future behaviour on them. The objective is to be able to predict what is likely to happen in the future, to develop skill in showing the likely trend of affairs rather than to predict what will happen in a particular year or period.

Rosenau has been a consistent advocate of the scientific approach. [8] The endless piling up of historical case materials, he writes, will only lead research (in foreign policy) to a dead end. To identify variables is not enough, there is a need to establish causal relationships, to formulate if-then propositions (about foreign policy behaviour). He suggested steps that could be taken which would help in the formulation of such propositions. One was the construction of pre-theories to organise materials, so that data could be similarly processed and rendered comparable. Once data is presented in terms of pre-theories, comparisons will be possible and it should also be possible to discern patterns among different policies and situations. Pre-theories would not be enough to

[7] ibid, p 8.

[8] Rosenau, J.N. (1971) The Scientific Study of Foreign Policy, New York, The Free Press.

progress towards theory. Similarly processed materials need theoretical concepts to give them structure and to facilitate formulation of if-then propositions. In a later work, Rosenau stresses again the need for analysis. [9] Analytic interpretation involves a readiness to seek regularities and patterns in events that are not evident in historical descriptions. Analysis is more difficult than description, it is also based on less reliable evidence, but the advantage is that greater understanding is gained when one sees links between phenomena that are not self-evidently associated.

For those advocating the historical method, the central belief is that each event is unique. Given the complexity of events and the role played in them by human will, it is not possible to reduce the international system to systemic terms. The historian aims at providing the best possible description of past events, using the most reliable data available and deriving clues from it about the future. Charles Reynolds has been one of the major critics of the scientific method. [10] He adopts a 'strict' definition of what theory involves. Above all, he writes, theory must produce hypotheses which are capable of refutation or falsification. He examined several theories in international relations and concluded that "no attempt at formulating a theory has yet proved successful" since no empirically testable hypotheses have resulted from adopting the scientific approach to international relations : "the reason appears to lie in the difficulty of defining and measuring the variables for human behaviour, and in the problem of making valid and testable propositions about human cognition and volition." [11]

Most attempts at theorising, however, adopt a much looser definition of what theory involves. Eckstein writes that two polar positions on what constitutes theory can be identified [12] At one extreme - the 'hard' line

[9] Rosenau, J.N., Thompson, K.W. & Boyd, G. (eds) (1976) World Politics : An Introduction, New York, The Free Press.

[10] Reynolds, C. (1973) Theory and Explanation in International Politics, London, Martin Robertson.

[11] ibid, p 7.

[12] Eckstein, H. (1975) "Case Study and Theory in Political Science", in Greenstein, F.I. & Polsby, N.W. (eds) Handbook of Political Science, Volume 7, Reading, Massachusetts, Addison Wesley Publishing Co.

on theory - is the view that theory consists solely of statements like those characteristic of contemporary theoretical physics; at the other extreme - the 'soft' line - theory is simply regarded as any mental construct that orders phenomena or inquiry into them. If, as he states, the term theory were always prefaced by an appropriate adjective, wrangling about these, and less extreme positions could be avoided.

Pfaltzgraff and Dougherty show how the term theory has several meanings in the social sciences. [13] In the natural sciences : "A theory sets forth a systematic view of phenomena by presenting a series of propositions or hypotheses which specify relations among variables in order to present explanations and make predictions about the phenomena". [14] While attempts have been made to develop such formal theories, the term theoretical approach has acquired several meanings in the field of international relations.

Theory can mean a deductive system in which propositions which are logically consistent are set forth. Such theoretical systems may be directly related to the real world, such as the balance of power system developed by Waltz, [15] or they may not be linked with the real world, such as the systems of Morton Kaplan. [16] Theory can be a conceptual framework, a classificatory scheme or a taxonomy. This provides categories in which data may be placed thus providing for their orderly arrangement prior to examination. Rosenau's pre-theories are examples of such a taxonomy. Theory can also be a series of statements about rational behaviour based on a dominant motive such as power, or based on a dominant economic imperative, such as Marxist works on imperialism. Theory can also involve propositions about political behaviour inductively derived from empirical studies, Deutsch et al's study of integration in the North Atlantic Area is an example of such theoretical work. [17] Theory can also

[13] Dougherty, J.E. & Pfaltzgraff, R.L. (1981) Contending Theories of International Relations, 2nd edition, New York, Harper & Row.

[14] ibid, p 20.

[15] Waltz, Theory of International Politics.

[16] Kaplan, M.A. (1957) System and Process in International Politics, New York, John Wiley.

[17] Deutsch, K.W., et al (1957) Political Community and the North Atlantic Area, Princeton, Princeton University Press.

be normative, setting out norms and values, indicating how political actors ought to behave. Theory building can be done at two different levels. At the macro level, are attempts at 'grand theory', in which explanations of political behaviour in general are sought, and a few variables are seen as explaining a wide range of phenomena. Morgenthau, who explained states behaviour in terms of the power political motive, formulated a 'grand theory' of the behaviour of states. [18] Most analysts however, attempt to formulate middle-range theories, to explain a limited range of political phenomena. For example, studies on integration and whether integration in one sector leads to spill-over into others, or studies of decision-making behaviour, which seek to explain how states formulate foreign policy, are partial explanations of political behaviour, which concentrate on certain aspects of international relations.

The authors adopt a simple definition of theory: "theory is a way of organising our knowledge so that we can ask questions worth answering, guide our research toward valid answers". There is, they conclude, no one model for theory. "Good theory may be inductive or deductive: micro or macro; highly specific, mid-range or 'grand' All these approaches are valid and useful when handled with intelligence and methodological care." [19]

There are several advantages to be gained by adopting the behavioural approach. Firstly, it forces one to make one's assumptions explicit. C.B. Joynt [20] makes the point, that even if a descriptive method is adopted, the narrative, no matter how detailed, is selective in that it is not possible to include every single fact. There is thus always an implicit model being used. The virtue of the behavioural sciences is that they compel us to realise that any model is always a partial representation of reality, and force us to make our assumptions explicit. Frankel lists several advantages of the scientific method. [21] Theory encourages

[18] Morgenthau, H.J. (1973) Politics Among Nations, 5th edition, New York, Alfred Knopf.

[19] Dougherty & Pfaltzgraff, Contending Theories, pp 40-41.

[20] Joynt, C.B. (1979) "Behavioural Sciences in International Relations", The Year Book of World Affairs, Vol 33, 224-242.

[21] Frankel, J. (1973) Contemporary International Theory and the Behaviour of States, London, Oxford University Press.

scientific, systematic thinking. It requires clear definition of concepts and their organisation in an analytic framework. It helps in the organisation and storage of data. Starting with a general framework questions are posed which might not otherwise be asked. For example, an account of a diplomatic issue written from a decision-making angle may not be very different from one written by a historian, but will raise different questions. It also arranges the account in such a way that it can be used much more readily for purposes of comparison. Theory helps to separate and identify more clearly the relevant factors of an issue. The search for theory has a broadening effect for it brings a willingness to look at evidence from various angles. Frankel concludes that despite the many shortcomings of international relations theory, it does have its uses, for it "can provide interesting new insights and angles". [22]

Critics of the scientific approach believe that given the complexity of the international arena, it is not possible to reduce the international system to systemic terms. They stress the intractable nature of the subject. The number of variables of which any generalisation about state behaviour must take into account is unmanageable, it is not possible to carry out controlled experiments, above all, the part played by human will makes the subject unsuitable for scientific inquiry. "The practitioners of the scientific approach are unlikely to make progress of the sort to which they aspire" wrote Hedley Bull, a consistent critic of the scientific approach. Arguments for both sides of the debate, including the detailed criticism by Bull are to be found in Klaus Knorr and James Rosenau (eds) Contending Approaches to International Politics. [23] The conclusion, one shared by other writers in the field was that though differences between the two approaches are bound to persist, both are necessary and have different but valuable contributions to make to the study of the subject.

[22] ibid, p 7.

[23] Knorr, K. & Rosenau, J.N. (eds) (1969) Contending Approaches to International Politics, Princeton, Princeton University Press.

1.3 Literature on decision-making

The available literature on decision-making is vast and disparate. The process of decision-making was systematically examined first in fields outside political science and in addition to political science, the concept is prominent in other disciplines such as economics, psychology and sociology. Thus the study of foreign policy decision-making concentrates on one part of a general phenomenon, of interest to social scientists and to policy makers. Even in the field of international relations, a great body of literature has grown up around the subject of decision-making. The brief survey below attempts to show that major theoretical advances were made on the making of decisions, on the act of choice among alternatives, so that most of the literature developed on the process of decision-making while the execution or implementation of these decisions, for a long time, was not examined in any detail. Studies on decision-making concentrated on how individuals, groups or organisations made a choice among alternatives, and other works appeared round this central core. The major developments in decision-making theory are briefly outlined below. Robinson and Snyder, prefer to use the word 'conceptions' rather than theories because: "many such formulations are loose, suggestive approaches that identify variables or categories for data collection rather than specify predictive relations among variables." [24]

Economists made significant early contributions to decision-making theory and the classic conception of decision-making originated in economic theory. It assumed as a decision-maker, a rational man who knew all possible alternatives, understood the possible consequences of each of these alternatives, and had arrived at a clear hierarchy of preferences among them. H. Simon, who was one of the first to criticise the rationality model of decision-making, sets out the steps required for such a rational decision-making process. [25]

[24] Robinson, J.A. & Snyder, R.C. (1965) "Decision-Making in International Politics", in Kelman, H.C. (ed) International Behaviour, New York, Holt, Rinehart & Winston, p 437.

[25] Simon, H.A. (1976) Administrative Behaviour, 3rd edition, New York, The Free Press.

The decision-maker would, firstly, list all alternative strategies, determine all consequences that follow upon these strategies and finally make a comparative evaluation of these sets of consequences. The subject would thus have to know all possible alternative strategies, he would have to have a complete description of the consequences of following each strategy, and be able to list these consequences in their order of preference so as to be able to choose between them. Thus the decision-maker surveys all available alternatives, assigns values to them, assesses their probabilities, and then chooses the optimal course. Economists developed a conceptual scheme, indifference curves, to describe this process and showed how the rational decision-maker attempts to maximise expected utility. The above model is of a wholly rational man who is supplied with a complete range of information and who has the computational capacity to exploit this information in order to discover the best possible course of action.

Simon was an early critic of the rationality model. Studies in psychology, particularly the works of Freud had shown that man does not always act rationally. Secondly, man's cognitive capabilities place boundaries on the exercise of rationality. Economists attribute to economic man an omniscient rationality. He has a complete and consistent set of preferences that allows him to choose among alternatives open to him. He is completely aware of what these alternatives are and there are no limits to the complexity of the computations he can perform in order to determine which alternatives are best.

Simon pointed out: "It is impossible for the behaviour of a single isolated individual to reach any high degree of rationality. The number of alternatives he must explore is so great, the information he would need to evaluate them is so vast, that even an approximation to objective rationality is hard to conceive." [26]

Objective rationality implies that the subject a) views the behaviour alternatives prior to decision in panoramic fashion, b) considers the whole complex of consequences that would follow on each choice, c) uses his

[26] ibid, p 79.

system of values to single out one from the whole set of alternatives. Actual behaviour falls short of this ideal for the above concept of rationality implies a completeness of knowledge that is in reality unattainable - only a few of all possible alternative behaviours come to mind, human beings have only a fragmentary knowledge of the consequences of their action, values can be only imperfectly anticipated. Man quite simply, has not the wits to maximise.

This is not to imply that he therefore acts irrationally. For maximising or optimising behaviour, Simon substituted the notion of 'satisficing' behaviour. Unable to choose the best alternative from among all those available to him, the decision-maker examines alternatives sequentially till he finds one that is 'good enough'. He aims not for maximisation but for satisficing, and thus does not have to undertake a search for all possible alternatives. Simon showed that limited rationality was a better description of the way man acted, and he introduced the concept of bounded rationality, a concept applicable both to individuals and to organisations.

Similar criticisms of the rationality model were made by Braybrooke & Lindblom, who examined how policy-makers acted when confronted with a complex problem. [27]

The rationality model, termed by them the synoptic method, states that policy makers choose among alternatives after careful and complete study of all possible consequences and after an evaluation of those consequences in the light of commonly shared values. However, what decision-makers generally do in the face of a complex problem, does not approximate the synoptic method, for it represents an 'ideal' approach to problem solving that cannot be attained. It cannot be attained because problems facing policy-makers can often be complex, capable of infinite variation, and can have a multiplicity of solutions. Solutions of these problems, according to the synoptic method, requires comprehensiveness of analysis that is beyond human capabilities. Not only is such information as is required by

[27] Braybrooke, D. & Lindblom, C.E. (1970) A Strategy of Decision, New York, The Free Press.

the synoptic ideal difficult to get, it can also be costly to obtain and policy-makers have to take into account the costliness of gathering information.

Thus a number of obstacles prevent the synoptic ideal from being achieved. Policy-makers, unable to adopt the rational model use adaptive strategies to make decisions. Other adaptive strategies are possible, for example, satisficing behaviour as suggested by Simon, or the suggestion by Snyder and Paige in a study of the Korean decision, [28] that in a crisis, when a decision must be compressed into a short time period, single alternatives rather than multiple alternatives will be considered. [29]

One such adaptive strategy used by decision-makers is the one which Braybrooke & Lindblom term "disjointed incrementalism". Policy proceeds, they suggested, not according to any comprehensive or coordinated strategy, but through small, incremental moves on specific problems. The clue to the actual behaviour of policy-makers, lies, according to the authors, in the incremental concept. In evaluating and deciding on alternative policies, policy-makers take into account the costliness, in time, energy and other resources, of analysis, as well as the impossibility, in sufficiently complex problems, of bringing analysis to an end. They adapt to these difficulties by following a policy of disjointed incrementalism - they focus on alternatives that differ only incrementally from earlier policies.

More recently, J. Steinbrunner has formulated a cybernetic theory of decision that challenges the notion of rationality, even limited or bounded rationality. [30] In the analytic theory of decision (term used by him to describe decision-making theory based on the rational process), it

[28] Snyder, R.C. & Paige, G.D. (1958) "The United States decision to resist aggression in Korea", Administrative Science Quarterly, Vol 3, 341-379.

[29] Several simplifying strategies adopted by decision-makers are described in Janis, I.L. & Mann, L. (1977) Decision-Making, New York, The Free Press. Among them the simplest is the use of a single formula employed by policy-makers as the sole decision rule in dealing with complex problems, rather than careful search and analysis and weighing of alternatives.

[30] Steinbrunner, J.D. (1974) The Cybernetic Theory of Decision, Princeton, Princeton University Press.

has generally been recognised that the ideal rational process is impossible to attain, so constraints have been introduced - limits of time and costs of information. The analytic decision-maker is nonetheless seen to make alternative outcome calculations. Since he cannot take all trade-offs into account, it is assumed he considers only those which are directly and immediately affected. Though he cannot assign probabilities to all occurrences, he is nonetheless seen to make some attempt to predict the consequences of a particular course of action. Unable to maximise, he aims to satisfy. Despite limitations of costs and of time, the decision-maker strives towards as complete an understanding as is possible of the forces which determine outcomes. The decision-maker's rationality may be 'bounded' or 'limited', but it is still the dominant concept.

Steinbrunner challenged the entire concept of rational choice. A better explanation of today's complex decision processes, he wrote, is to be found in cybernetic theory which studies how human beings process information, supplemented by cognitive theory which studies the fundamental operations of the human mind. The cybernetic theory of decision also provides a better explanation of events which seem puzzling when studied within a rational framework. These are usually rationalised post hoc but an alternative explanation can be provided by cybernetic theory.

Adoption of the cybernetic paradigm involves a rejection of all the basic assumptions of analytic logic. Cybernetic decision-making involves no calculations about the outcomes of action and no attaching of pay-off values to outcomes. The decision process according to cybernetic logic is a much simpler one. Thus the approach challenges the central focus of the rationality approach - finding an optimal solution under given constraints by direct calculations.

Examples of cybernetic decision-making are provided by tennis players who manage to play without making calculations about the speed and trajectory of the ball; and by bees, who by following simple instructions from fellow workers can locate pollen bearing flowers at places remote from the hive. Servo-mechanisms provide examples of simple decision-making, thermostats which keep temperatures within certain limits and the Watt governor for regulating speeds of steam engines. In all the above

examples there is no preference ordering, no calculation of outcomes and no optimising process.

Instead, the cybernetic decision-maker simplifies complex situations by eliminating variety and by ignoring elaborate calculations. The decision-maker monitors a few feedback variables and makes a behavioural adjustment. The decision-maker has a set of responses which determine the action he has to take once he receives information to which he is sensitive. Most everyday human activity, such as walking, eating and writing, involves such highly focused, programmed decisions. The cybernetic approach is clearly important in the study of routine behaviour.

According to Steinbrunner, cybernetic logic is also applicable to complex problems such as those to be found in the field of foreign policy. Complex problems become fragmented into specific ones, each dealt with by a separate decision-maker. The number of decision-makers increases to deal with each specific problem. This is the natural cybernetic explanation for the rise of mass bureaucracy. Theories of organisational behaviour help to extend the cybernetic paradigm from individual to collective decision-making. However, organisational theory is not enough, particularly in cases where complex problems are not decomposable, so that the problem is not sufficiently structured to yield a cybernetic process. The uncertainty surrounding such problems makes analytic calculations impossible. However decision-makers still find it possible to act. The answer is to be found in cognitive theory which explains how the mind deals with situations of uncertainty. Cognitive principles are used to derive three concepts, grooved thinking, uncommitted thinking and theoretical thinking. This modified cybernetic/cognitive paradigm provides a better explanation of governmental decision-making under conditions of complexity and uncertainty, than does the concept of rationality, even bounded or limited rationality.

G. Allison too had earlier rejected the view of government behaviour as a matter of deliberate choice and had offered two alternative models of

governmental decision-making. [31] The Organisation Process model, like Steinbrunner's cybernetic theory of decision, deals with the routines and standard operating procedures built up by large organisations. The routines are necessary for any modern bureaucracy to be able to function, for they allow large organisations to deal with everyday matters in an efficient manner. According to the Organisation Process model, a government consists of a number of loosely allied organisations, each organisation having its own area of concern. It is unlikely that a problem faced by a government will be dealt with by a single organisation, but, more commonly, will be dealt with by several of them. Government leaders sit atop this conglomerate of organisations and attempt to coordinate their activities. They cannot however control the workings of these organisations which act in quasi-independence. Each organisation acts according to its goals, programs and repertoires. Organisations function according to standard patterns of behaviour and change in these patterns is difficult to achieve. Government behaviour is composed of the independent outputs of several large organisations. Allison showed how behaviour which according to the rational policy model (one implicitly used by analysts when analysing events) appeared puzzling, became understandable when it was seen as the outputs of organisations functioning according to their standard operating patterns. He provided several examples from the Cuban missile crisis which he examined in depth.

Another model which rejects the view of decision-making as abstract choice between alternatives is the Bureaucratic Politics model put forward initially by Allison, but developed by Allison and Halperin. [32] The model focuses on the competition and conflict between the different bureaucracies involved in a particular decision. Foreign policies are the result of bargaining among the decision-making units. Each unit is concerned with promoting or furthering its own vested interests so that there is intensive competition among the units and the outcome or decision is the result of compromise between these groups pulling in different

[31] Allison, G.T. (1971) Essence of Decision, Boston, Little, Brown & Co.

[32] Allison, G.T. & Halperin, M.H. (1972) "Bureaucratic Politics. A Paradigm and Some Policy Implications", in Tanter, R. & Ullman, R.H. (eds) Theory and Policy in International Relations, Princeton, Princeton University Press.

directions.

Thus according to the Bureaucratic Politics model, government behaviour can be understood as the outcome of bargaining games. The players in these games are political leaders and men who head critical organisations. The nature of foreign policy problems permits disagreement among the players concerning what ought to be done, at the same time the issues before the players are of vital importance. Thus men share power, men differ concerning what must be done, and the differences matter. Government decisions are the result of a bargaining game between these players, they are not made by rational choice, but by the pulling and hauling that is politics.

Thus the state is seen, not as a unitary actor but as being composed of many actors and the interaction among these actors determines the actions of the state in international politics. The Bureaucratic Politics approach involves answering 3 central questions: 1) Who plays? That is, whose interests and behaviour have an important effect on the government's decisions and actions? In any government there exists a circle of senior players such as the chief executive and major political figures. Around the central circle of senior players are various circles of junior players. The press, interest groups, and the public form concentric circles around the central arena, circles that demarcate limits within which the game is played. 2) What determines players' stands? Players' stands are affected by what they perceive national security interests to be. Organisational, domestic and personal interests affect how players perceive national security interests. For example, members of an organisation come to believe that maintaining the health of that organisation is vital to the national interest. Thus its members act to maintain the organisation's autonomy and to protect the organisation's essence by maintaining or expanding its roles, missions and budgets. Another example is that of politicians who will concern themselves with the domestic implications of policy as this will affect their chances of reelection. Thus when an issue arises, players will see quite different faces of the issue and this determines their stands on that issue. 3) How are players' stands aggregated to yield decisions and actions of a government? Once an issue arises, often in response to an event, the game

is begun and consists of each player engaging in various manoeuvres to achieve his desired results. Each player's probability of success depends upon bargaining advantages, skill and will in using these advantages and on other players perceptions of these two elements. Decision games are followed by action games. As in decision games, players probabilities of success depend upon their power. In action games, bargaining advantages stem from formal authority, control over resources, responsibility for carrying out the action, control over information and persuasiveness with other players.

While the above theories may seem to offer conflicting views of the decision-making process, they can be seen as complementary, if they are regarded as theories which deal with the intellectual and with the social processes of decision-making. Robinson and Majak distinguish between the intellectual, social and quasi-mechanical aspects of decision-making. [33] Problem solving, collecting and analysing information, defining situations, formulating alternatives, these and similar activities are primarily intellectual processes. Thus concepts such as optimising and satisficing emphasise the intellectual dimension. The pluralist theory of decision-making dealing as it does with individuals, groups and organisations who must arrive at a common decision, emphasises the social dimension. However decision-making may also be the result of quasi-mechanical processes, the standard operating procedures of large organisations are an obvious example. These three aspects can be regarded as subprocesses of decision-making. The process by which most decisions emerge is likely to include two or three of the subprocesses, that is, a decision rarely emerges from intellectual processes without related and complementary social and/or quasi-mechanical processes. Thus theories of optimising, satisficing or of bureaucratic politics, offer a theoretical explanation of only part of the decision process and the process by which a given decision is arrived at can be viewed as a combination of these subprocesses.

[33] Robinson, J.A. & Majak, R.R. (1967) "The Theory of Decision-Making", in Charlesworth, J.C. (ed) Contemporary Political Analysis, New York, The Free Press.

The above survey of the major theoretical advances in decision-making shows that the literature in decision-making has concentrated on the study of how decisions are arrived at, and on the techniques and criteria for the taking of decisions by policy-makers. Several aspects of decision-making have been studied so that there is now an extensive literature on the subject, but most works have appeared round this central core which deals with the analysis of how decisions are made. Some of these works are briefly mentioned below.

A considerable amount of literature now exists on the making of specific foreign policy decisions. The initial focus was on decisions made in situations of crisis, but was later extended to decisions made over a much longer period. Crisis decisions studied include decisions which led to the outbreak of World War I, [34] the United States decision to intervene in Korea, [35] the British decision to intervene in the Suez, [36] and the Cuban missile crisis. [37] Of these, Paige's study of the United States decision to intervene in Korea, was an application of a specific decision-making framework, put forward by Snyder, Bruck and Sapin, to an actual case study. Paige was essentially faithful to the Snyder et al model. He first placed the decision in the context of its internal and external setting, then presented a meticulously reconstructed narrative. In a concluding chapter he presented numerous empirical propositions derived from the case study. He recognised the difficulties of generalising from a single case study and the propositions are to be taken not as valid generalisations, but as hypotheses which might be tested in other studies of crisis decision-making. Holsti, North and Brody followed a different methodological approach, using content analysis and a stimulus-response model to study the outbreak of World War I. The focus of their study was on the interaction between decisional units rather than within a unit.

[34] Holsti, O.R., Brody, R.A. & North, R.C. (1968) "Perception and Action in the 1914 Crisis", in Singer, J.D. (ed) Quantitative International Politics, New York, The Free Press.

[35] Paige, G.D. (1968) Korean Decision, New York, The Free Press.

[36] Childers, E.B. (1962) The Road to Suez, London, MacGibbon and Kee.

[37] Allison, Essence of Decision.

Several analysts have sought to gain a better understanding of crisis behaviour. Important contributions to the analysis of crisis have been made by C. Hermann, [38] whose definition of crisis was widely accepted, and by O.R. Holsti. [39] Crisis behaviour continues to be analysed as was done by Brecher in studying two crises faced by Israel in 1967 and 1973. [40] A Jerusalem 'Crisis Seminar' was held in 1975-76 and led to a project in which data for 469 international crises over the period 1938-1975 was collected and analysed. [41] Attempts have been made in crisis forecasting despite the difficulty in predicting such unique events. [42] The effects of stress caused by being in a crisis situation and how this affects the efficiency of decision-makers has been studied. [43] In short, both individual crises and the theoretical aspects of crisis received considerable attention in the literature on decision-making.

The perceptions of decision-makers have been studied as part of decision-making theory. The environment can be divided into the 'psychological environment' within which decisions are conceived and the 'operational environment' within which foreign policy is executed (the distinction was first suggested by Harold and Margaret Sprout). The psychological environment is seen as being more important to the process of decision-making as it is the decision-makers' perceptions of the operational environment that determines how they decide on a particular issue. The Snyder, Bruck and Sapin pioneering approach, [44] concentrates upon the images and perceptions of the decision-makers. Elite image is the decisive input of a foreign policy system in Brecher's framework for the

[38] Hermann, C.F. (ed) (1972) International Crises, New York, The Free Press.

[39] Holsti, O.R. (1972) Crisis, Escalation, War, Montreal, McGill Queens' University Press.

[40] Brecher, M. (1980) Decisions in Crisis, Berkeley, University of California Press.

[41] Dougherty & Pfaltzgraff, Contending Theories, pp 496-497.

[42] McClelland, C.A. (1977) "The Anticipation of International Crises", International Studies Quarterly, Vol 21(1), 15-38.

[43] Holsti, Crisis, Escalation, War.

[44] Snyder, R.C., Bruck, H.W. & Sapin, B. (eds) (1962) Foreign Policy Decision-Making, New York, The Free Press of Glencoe.

study of foreign policy behaviour. [45]

Analysts have turned to the discipline of psychology to provide explanations of decision-making behaviour. Steinbrunner, it has been seen, needed to supplement cybernetics with cognitive theory to provide a theory of decision-making. Jervis showed how mutual misperceptions can arise between statesmen, and how this leads ultimately to conflict. [46] The behaviour of individual statesmen has been scrutinised, [47] as has the behaviour of small groups and the tendency to concurrence-seeking behaviour which has been labelled 'groupthink'. [48] Janis and Mann have studied the effects of psychological stress, caused by the conflicts which arise when a decision has to be made, on decision-making behaviour. [49]

Extensive work has been done on decision-making in the U.S. There are studies of the foreign policy making machinery of the U.S. and the role of the State Department, the military, and the Congress have all come under scrutiny. The role of interest groups and pressure groups as well as the influence of public opinion on foreign policy decision-making are some of the issues which have been analysed. A number of specific foreign policy decisions made in the U.S. have been studied and the American foreign policy decision-making process has been studied more thoroughly than that in any other country.

1.4 Models of Implementation

[45] Brecher, M. (1972) The Foreign Policy System of Israel, London, Oxford University Press.

[46] Jervis, R. (1976) Perception and Misperception in International Politics, Princeton, Princeton University Press.

[47] Rivera, J de (1968) The Psychological Dimension of Foreign Policy, Columbus, Ohio, Charles E Merrill.

[48] Janis, I. L. (1972) Victims of Groupthink, Boston, Houghton Mifflin.

[49] Janis, & Mann, Decision-Making,

1.4.1 Literature on Implementation

The above survey of the major theoretical advances in the study of decision-making in the context of foreign policy, shows that the emphasis was on the process by which decisions are arrived at and an extensive literature has developed around this central core.

"To date, the greatest part of decision analysis has been 'within the process' rather than on the relation of process to outcomes." [50]

The process of decision-making continued to receive attention over the years, while problems of implementation were largely overlooked: "there has been a continuing inconsistency in foreign policy analysis in that the techniques of taking decisions are much considered, whereas the implementation or performance of them has tended to be ignored, taken for granted, or described in different terms." [51]

Even in the field of public administration, where too decision-making has been an important subject of study: "The easy assumption prevailed that, once a decision had been taken, its execution was a simple and mundane affair that did not merit a great deal of attention." [52]

The same point was made by Hood: "It is by now commonplace that policy 'implementation', 'execution' or 'administration' is a class of problems which need more analytic attention than they have received in the past. Several writers have drawn attention to the lack of balance in the standard administrative and business literature between the emphasis on planning and decision-making on the one hand, and the lack of a systematic discussion of implementation processes on the other hand. Control and policy execution, it would sometimes appear, is a matter of mere fiat, [53]

[50] Robinson & Majak, "Theory of Decision-Making", p187.

[51] Clarke, M. (1979) "Foreign Policy Implementation: Problems and Approaches", British Journal of International Studies, Vol 5(2), p 113.

[52] Hyder, "Implementation. The Evolutionary Model.", p 1.

[53] Hood, C.C. (1976) The Limits of Administration, London, John Wiley.

Pressman and Wildavsky came to the conclusion that: "Research on implementation is primarily conspicuous by its absence." [54] They wrote: "There is (or there must be) a large literature about implementation in the social sciences - or so we have been told by numerous people. None of them can come up with specific citations to this literature, but they are certain it must exist. Surely, they will say, the vast scholarly attention paid to poverty programs and efforts to secure compliance in the field of civil rights has generated work on problems of implementation. It must be there; it should be there; but in fact it is not. There is a kind of semantic illusion at work here because virtually everything ever done in public policy or public administration must, in the nature of things, have some bearing on implementation. Analytical study (as opposed to mere mention) of implementation seems so eminently reasonable that few can imagine it does not exist. Everyone is aware, certainly, of the widespread concern about the inability to implement governmental programs. Nevertheless, except for the few pieces mentioned in the body of this book, we have been unable to find any significant analytic work dealing with implementation." [55]

Masood Hyder however, makes the valid point, that though analyses of the phenomenon characterised and defined as 'implementation' were not to be found, insights into implementation could have been gained from many studies in politics, economics and social administration. [56]

Hyder provides a succinct review of the literature on implementation that has developed since Pressman and Wildavsky's assertion. Some of the important works which deal explicitly with issues of implementation are very briefly referred to here.

Pressman and Wildavsky conducted a post-mortem on a federal program in which the goals were clearly specified, there was political agreement, and adequate funds were available, yet the program was not implemented. An agency, the Economic Development Administration (EDA) was set up in 1965

[54] Pressman, J.L. & Wildavsky, A. (1973) Implementation, Berkeley, University of California Press, p 167.

[55] ibid, p 166.

[56] Hyder, "Implementation. The Evolutionary Model.", p 1.

to create employment for the minorities, and was provided with adequate funds. Difficulties arose when broad agreement had to be translated into specific decisions. Problems were caused by the "technical details" of implementation. These, though apparently simple and straightforward, were in reality, complex and convoluted. What had looked like a relatively simple and direct program, involving one federal agency (EDA), one city (Oakland), and had the advantage of a substantial and immediate funding commitment, eventually involved numerous diverse participants. These included federal agencies such as the departments of Labour and Health, Education and Welfare, the Navy, the U.S. General Accounting Office and local government bodies. All the participants agreed on the goal of providing jobs for the unemployed from the minority community (blacks), but their differing perspectives meant that general agreement on policy dissolved into specific disagreements on the steps needed for implementation.

Hood analysed problems of implementation [57] by trying to form an ideal picture of implementation comparable to the way the model of perfect competition is employed in economics. Hood identified three types of limits to perfect administration: 1) External limits - resource and political limits; 2) Strictly administrative limits; 3) Quasi-administrative limits which are a hybrid, with elements of both 1) and 2).

To identify administrative limits, he analyses cases where the conditions of political acceptability and of resource availability are met, but execution still presents a problem. For example, many taxes on personal property would not suffer from problems of political acceptability or of resource availability, but suffer from administrative problems, they are difficult to enforce.

Hood identifies five major conditions as the 'internal' components of perfect administration. Perfect administration (implementation) requires both extra-administrative conditions and internal conditions. It is the latter conditions that Hood deals with in his book, and the limits which arise when these are not fulfilled.

[57] Hood, C.C. (1976) The Limits of Administration, London, John Wiley.

Like Hood, Dunsire [58] ignored external conditions such as inter-organisational relationships or the problem of non-compliance by citizens. He concentrated upon the structures and processes within central government departments and analysed the conditions under which policy objectives are translated into bureaucratic action within a government department. Since government departments vary widely, he considers an 'ideal type' model of a bureaucracy and examines how such a bureaucracy is mobilised for action. An understanding of the working structure and processes of a bureaucracy draws attention to some problems of implementing government policy that have their roots in the nature of a bureaucracy. Such limits on 'perfect implementation' will thus always be present. An example of such a limit, familiar to all who have had dealings with any bureaucracy, is that categorisation and 'impersonal treatment' is inescapable, with a consequent loss of information and of individuality.

A more recent contribution to this growing literature on implementation is a book which provides a number of case studies of implementation. [59] An evolutionary model of the implementation process is put forward in the opening chapter and provides the framework for the book. The main features of the model are outlined below.

In present day conditions with factors such as increasing inter-organisational 'turbulence' [60] and growing interdependence between countries, outcomes of policies are uncertain and we must expect to adjust their contents from time to time. The approach to implementation must be flexible and experimental, in short, evolutionary.

The evolutionary model is depicted as:

$$P_1 \rightarrow H_1 - I - E \rightarrow P_2 \rightarrow$$

[58] Dunsire, A. (1980) "Implementation Theory", in Implementation, Evaluation and Change, Course D336, The Open University, Milton Keynes, The Open University Press.

[59] Lewis, D. & Wallace, H. (eds) (1984) Policies into Practice, London, Heinemann Education Books.

[60] Inter-organisational 'turbulence' refers to the change in the organisational environment caused by increasing interdependence between organisations. As a result individual organisations become more dependent on the cooperation of other organisations, and the environment becomes 'turbulent'.

where P is the problem, H is the policy. Policy is regarded as a hypothesis since a policy is only a tentative solution to a problem. The policy or hypothesis has to be tested against reality. I represents implementation and E evaluation. Problems are rarely completely solved so that P_1 is followed by P_2 . H_2 then follows P_2 , then I, E, P_3 and so on. The model is evolutionary because through the process of implementation, the initial policy H_1 takes on a new form H_2 , H_2 becomes H_3 , and so on.

The model, though a simplification of reality can, he feels, be of help to practitioners of policy implementation. There are advantages in making the model on which one is acting explicit.

"The practical man acts on the basis of a mental picture of the process acquired over a number of years, and possibly a very adequate one. However it remains largely unarticulated, unquestioned and untested; and it therefore runs the risk of being incomplete, and possibly in conflict with reality. The academic analyst proceeds in a fundamentally different way, by generalising, deliberately simplifying, and organising the data into significant patterns." [61]

Academic analysis helps the practitioner to cope with situations which are beyond his own experience. It also holds out the possibility of choosing the right methods in advance and of avoiding the costs of learning from experience.

The study of implementation across national boundaries, however, in comparison, continued to receive little attention.

"One feature of the literature on policy implementation is the tacit assumption that there is a high degree of insulation, which contains the process within national boundaries.... The rather separate body of literature on foreign policy analysis has not included implementation among its central preoccupations." [62]

[61] Hyder, "Implementation. The Evolutionary Model.", p 3.

[62] Hyder, "Implementation. The Evolutionary Model.", p 8.

In an attempt to fill this gap, Part II of the book edited by Lewis and Wallace deals specifically with cases of implementation in which the process transcends national boundaries. The analysis is however, of a particular type of cases of implementation. It is "intended to aid our understanding of how international agreements are given substance through implementation within states." [63] The introductory article deals with issues of securing compliance with international agreements. Of the case studies that follow, two are concerned with implementation of policies within the EEC and the third with a case of bilateral collaboration between the U.S. and the U.K., namely, implementation of the Polaris project.

That implementation is an important subject that merits attention and analysis had been recognised much earlier: "Among the most important tasks of decision-making studies is the extension of research to the process-outcome nexus" wrote Robinson and Majak. [64] The task, they wrote, was a necessary one, for ability to relate how decisions are made to the outcomes and effects of those decisions, would help in the building of a theory of political decision-making.

In outlining a framework for the study of foreign policy decision-making, Brecher too, explicitly recognised the need to study the outcomes of decisions:

An inquiry into foreign policy may be said to have two interrelated goals. The first is to explain the sources of decision, that is, the pressures flowing from the real and perceived environments leading to a choice among policy options. The second is to explain the outcomes of decisions, that is the consequences of choice, both for the particular issue and for the foreign policy system as a whole." [65]

This, he states, avoids the pitfalls of analysing decisions in a vacuum. It also helps to give some form to the concept of feedback, a concept which is central to an approach aspiring to prediction of probable behaviour.

[63] Wallace, H. (1984) "Implementation Across National Boundaries", in Lewis & Wallace (eds) Policies into Practice, p 129.

[64] Robinson & Majak, "Theory of Decision-Making", p 187.

[65] Brecher, The Foreign Policy System of Israel, pp 14-15.

Conventional works on foreign policy ignore the total system and focus on selected decisions. The analysis then, is illuminating about the specific decision or issue studied, - "but the cumulative contribution to knowledge about the behaviour of that state or that type of state in a cluster of related issues - an issue area - is minimal." [66] It is only through an integrated framework, one that deals with the inputs, process and outputs of decision-making, that cumulative insights can be gained. It will then be possible to amass sufficient knowledge about state behaviour in the past, to permit predictions of probable responses to similar challenges in the future.

In a recent work that deals with a wide range of cases of implementation that transcend national boundaries, the authors argue that there is a vast gap in the existing literature.

"In the existing literature the implementation of decisions is assumed rather than examined. The fundamental assumption of the theoretical literature in foreign policy analysis is that the central problem to be explained is the decision....

"The foreign policy analysis literature focuses almost exclusively on the decision as that which has to be explained: explain foreign policy decisions and you have explained foreign policy behaviour. This literature has a number of distinct theories and myriad methodologies, but the dominant feature of it is a concern with explaining decisions. On this basis the focal points of theories may be very different (domestic inputs, images, bureaucratic politics, groupthink, national interest, and so on), but each is concerned with explaining why decision-makers took certain decisions rather than others. Indeed, it can be claimed that to the extent rival theories of foreign policy behaviour can be distinguished, they are concerned with competing explanations of decision-making, with their utility assessed by their success in this explanation." [67]

[66] ibid, p 15.

[67] Smith, S. & Clarke, M. (1985) "Foreign Policy Implementation and Foreign Policy Behaviour", in Smith, & Clarke, (eds) Foreign Policy Implementation, pp 2-3.

In an attempt to fill this gap, the collection of essays focuses on the implementation of foreign policy decisions. [68]

"It not only argues that the implementation process may cause foreign policy to turn out in a way unintended by decision-makers (an empirical perspective), but also assumes that thinking about foreign policy behaviour from an implementation perspective encourages us to ask slightly different types of question about how foreign policy emerges (a theoretical perspective)." [69]

In the literature, concentration on decisions has meant that implementation has often been assumed to take place without 'slippage', it has been seen in many respects as a natural follow-on to the decision, and thus has not been regarded as important in the explanation of foreign policy behaviour. The authors argue that implementation is an important area of study, for, as numerous examples show, the implementation process can be an important factor that determines foreign policy behaviour - "implementation matters".

"the most important issue that implementation raises for the study of foreign policy behaviour is that it shifts the focus from the decision to behaviour itself. This is of critical importance since it is the behaviour, and not the decision, to which other states' decision-makers have to respond. To be sure, the decision is clearly an important determinant of behaviour but it is a determinant The implementation perspective forces us to consider the extent to which behaviour was the intended consequence of decisions, or was the unintended consequence of the implementation process. As such it offers a potentially very powerful perspective for the examination of explanations of foreign policy behaviour." [70]

[68] Foreign policy is interpreted rather loosely. A more correct description would be that the essays deal with cases of implementation that transcend national boundaries.

[69] Smith, & Clarke, "Foreign Policy Implementation and Foreign Policy Behaviour", p 2.

[70] *ibid*, p3.

The book explores implementation through a set of case studies, deliberately chosen from a wide range of cases, both unilateral and multilateral, covering different types of issue-areas.

"In each case we hope to explain how the process of implementation affected the relationship between decision-making and behaviour; that is, we hope to give a series of detailed examples of the relationship between foreign policy behaviour and actual decisions. In many cases that behaviour was significantly different from that planned by decision-makers as a result of difficulties emerging when implementation was undertaken." [71]

It is with this important, but comparatively neglected, subject of implementation, that this study is concerned. It explores implementation through three case studies, the efforts made in India, after the passing of the Government of India Act, 1935, to implement three of the decisions embodied in the Act. As stated earlier, the Act incorporated a number of decisions. Implementation of three decisions is analysed, the two major decisions, plus one comparatively minor decision. A model of implementation and a set of propositions about implementation are put forward and these help to structure the case studies.

While implementation has been comparatively neglected in the literature on foreign-policy decision-making, except for the recent works mentioned above, issues of implementation have been considered to some extent in the earlier literature. Though the focus was on the process by which decisions were made, insights into implementation can nonetheless be gained. It is possible to organise what has been said about implementation of decisions in terms of models. It should be emphasised that nowhere in the literature referred to are these models explicitly stated, rather, they are implicit in the literature. These models have been extracted from the available literature and have been set out below. Two models have been employed in dealing with the implementation of decisions.

[71] *ibid*, p 9.

1.4.2 One Tier Model of Implementation

[Decision-Makers]

Decision-makers are defined as: "those whose authoritative acts are, to all intents and purposes, the acts of the state. State action is the action taken by those acting in the name of the state. Hence the state is its decision-makers." [72]

In this model, decision and implementation are closely integrated. Issues of implementation are dealt with ahead of time, at the time of decision-making. Typically, decision-makers faced with several alternative courses of action, look ahead to problems of implementation and rule out those that cannot be implemented or those that would cause difficulties in implementation. They do not, in this model, choose one alternative, then look to its implementation, but considerations of implementation determine which alternative is chosen. Of the several simplifying strategies used in choosing among alternatives, one is to narrow down the number of alternatives being considered, by ruling out those that cannot be implemented or those that would provide particular difficulties in implementation. Thus issues of implementation are dealt with at the time of decision-making, when choice is being made among alternative courses of action. This close integration between decision-making and implementation is represented in the one tier model.

Use of this one tier model of implementation is implicit in Allison's analysis of the Cuban missile crisis. Once the presence of the Soviet missiles in Cuba was confirmed, a group of fifteen senior members of the U.S. administration, the Executive Committee of the National Security Council (Ex Com) was formed, to decide what actions the U.S. should take in response. Six categories of action were considered. One category was that of applying diplomatic pressures, such as arraigning the Soviet Union before the U.N. Security Council. This was rejected since the Russians could veto any course of action proposed by the Security Council. Another alternative considered was that of an invasion of Cuba. The fact that

[72] Snyder, Bruck & Sapin, Foreign Policy Decision-Making, p 63.

there would be problems of implementation, for U.S. troops would have had to directly confront 20,000 Soviet troops, led to this alternative being rejected. Yet another alternative considered was a surgical air-strike, one that would destroy all the missiles and missile sites. It was the Air Force's warning that destruction of all the missiles could not be guaranteed, that led to the air-strike being ruled out. [73]

Use of the one tier model is also implicit in Allison's analysis of the crisis in terms of the other two models advanced by him, the Organisation Process model and the Bureacratic Politics model. Both show that the options available to the U.S. were quickly narrowed to two, an air-strike, and a blockade. That issues of implementation were considered by the decision-makers in choosing among the alternatives, is clear from the quote below:

"Deliberations of leaders in Ex Com meetings produced broad outlines of alternatives. Details of the alternatives, and blueprints for their implementation, had to be specified by the organisation that would be responsible for execution. These organisational outputs effectively answered the question: What specifically could be done?" [74]

What could be done was an important factor in choosing among the alternatives. "What effectively foreclosed that option (a surgical air-strike) was the Air Force's assertion that the air strike the leaders wanted could not be carried out with high confidence of success." [75]

Other factors too, were responsible for the air-strike being rejected. Robert Kennedy did not want his brother to go down in history as one who had ordered a 'Pearl Harbour in reverse'. The Bureaucratic Politics model brings out the pulling and hauling that led to the blockade being chosen as the U.S. response. However, it is clear, that of the many factors that led to the choice of this course of action from among the alternatives considered, problems associated with implementation of other courses of action were an important factor. Thus the model of implementation implicit

[73] Allison, Essence of Decision, pp 56-62.

[74] ibid, p 123.

[75] ibid, p 124.

in Allison's analysis is the one tier model, where decision-making and implementation are closely integrated and decision-makers look ahead to aspects of implementation at the time they are engaged in the making of the decision.

Another example of the implicit use of the one tier model, is provided in Paige's account of the U.S. decision to intervene in Korea. [76] Several decisions were taken which together determined the U.S. response to the North Korean attack on South Korea. Issues of implementation were considered at the time of making the decisions and influenced the decisions that were made.

At the first conference between President Truman and his advisers on 25 June 1950, Secretary of State Acheson suggested five courses of action, which included action by the Air Force (to evacuate American women and children), and by the Navy (it was to be ordered to prevent Chinese invasion of Formosa), and all the advisers present were asked to comment on the proposals. Implementation of these proposals and what it would involve, was clearly in President Truman's mind when he asked questions of his advisers. He questioned Admiral Sherman about the Seventh Fleet, asking how long it would take to bring it into the Straits of Formosa. He asked how many divisions the U.S. had in Japan and how long it would take to move two or three of them to Korea. Next he asked the Secretary of the Air Force what the disposition of the Air Force was, and how long it would take to reinforce U.S. air units in the Far East. [77] "After listening to his advisers discuss Secretary Acheson's recommendations and questioning them about the points of information he felt were necessary for decision, the President announced his conclusions." (Emphasis added.) [78] Among the points of information needed for decision were considerations of implementation.

As the crisis escalated, a second conference was held to discuss what further action the U.S. might take to save the Republic of Korea. Again the

[76] Paige, Korean Decision.

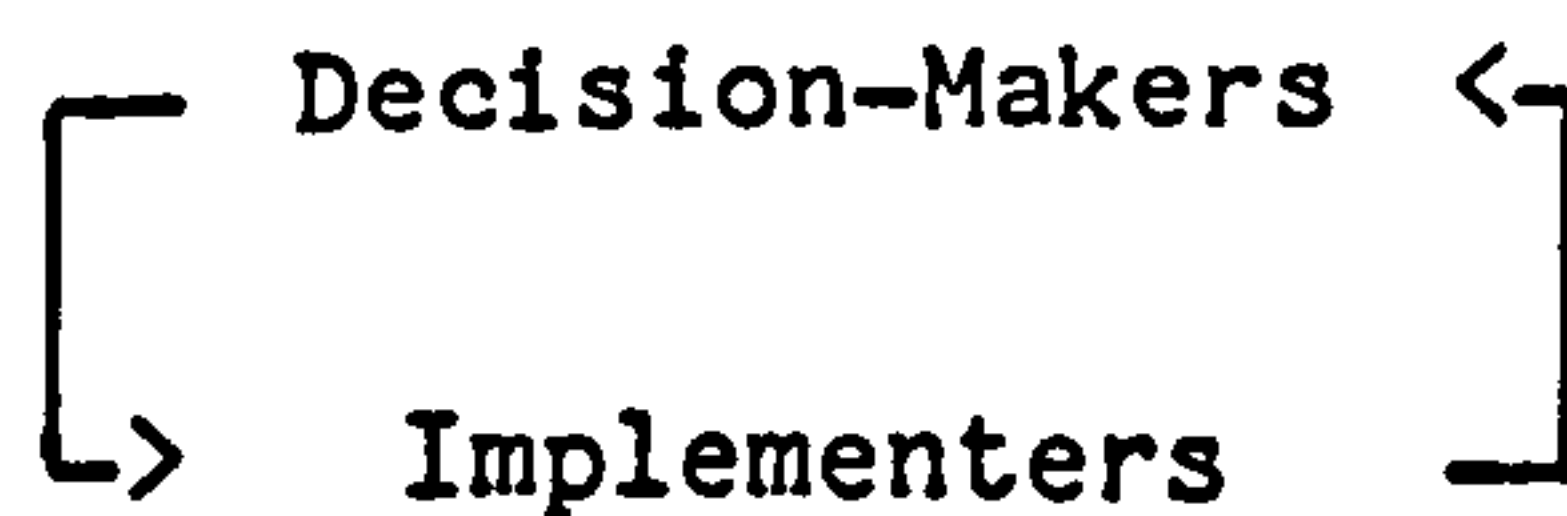
[77] ibid, pp 125-135.

[78] ibid, p 137.

Secretary of State made several recommendations which centred on air and sea support, and these were discussed. Two generals voiced the opinion that American ground troops might be needed. "One of the President's advisers expressed the view that if a decision to employ ground forces were taken, mobilisation would be required; otherwise the United States could not meet its obligations elsewhere throughout the world - especially in vital Europe. The United States was limited in whatever help it could give Korea to its airplanes and ships in Far Eastern skies and waters and to the four understrength divisions deployed in Japan." [79]

Thus at the time of making decisions during the Korean crisis, the decision-makers looked ahead to problems of implementation of these decisions. What the U.S. could do was an important factor in making the decisions. Thus, as the one tier model suggests, decision and implementation are closely integrated.

1.4.3 Two Tier Model of Implementation



In this model, decision and implementation are not closely integrated. Issues of implementation may be dealt with ahead of time as in the one tier model, but it is also recognised that decisions have to be implemented by implementers. In the two tier model, it is recognised, that after a decision has been made, agents of the government, both individuals and organisations have the task of putting it into effect. Typically in foreign policy decisions, the Foreign Office of a country is involved in implementation, but special agents may be appointed, or organisations may be formed. Such a model is implicit in works of decision-making which deal explicitly with the implementation of decisions. The arrows indicate that there is close interaction between decision-makers and implementers.

[79] ibid, pp 165-166.

Allison and Halperin in setting out the Bureaucratic Politics model, [80] stated that the model involves answers to three central questions: 1) Who plays? 2) What determines players stands? 3) How are players' stands aggregated to yield decisions and actions of a government? The last question can be said to divide into two: i) How are players' stands aggregated to yield decisions? ii) How are players' stands aggregated to yield actions? There are thus decision games in which players manoeuvre to get the result they want, which lead to decisions. These are followed by action games which are very similar to decision games, for players again see different faces of the issue and manoeuvre to get the result they want, and which result in the actions of a government. Thus foreign policy actions can be divided into two parts, one which leads to decisions by senior players and a second part [81] which follows from those decisions.

The difficulties that can arise in implementation are recognised by the authors. "Decisions are rarely tailored to facilitate monitoring. As a result, senior players have great difficulty in checking on the faithful implementation of a decision." [82] Faithful implementation does not always follow for a number of reasons. "In most cases, players will feel that the decision leaves them considerable leeway in implementation. Players who supported the decision will manoeuvre to see it implemented. They may go beyond the spirit if not the letter of the decision. Those who opposed the decision, or who oppose the action, will manoeuvre to delay implementation, to limit implementation to the letter but not the spirit, or even to have the decision disobeyed." [83]

The two tier model of implementation is implicit in Halperin's book, Bureaucratic Politics, [84] in which he sets out a framework for

[80] Allison & Halperin, "Bureaucratic Politics".

[81] Allison and Halperin rejected the term implementation though it is frequently used to refer to this second part. They rejected it as being too narrow, pointing out that actions of a state can take place for several reasons, e.g. actions may be the result of routine behaviour of organisations.

[82] Allison & Halperin, "Bureaucratic Politics", p53.

[83] *ibid*, p53.

[84] Halperin, M.H. (1974) Bureaucratic Politics and Foreign Policy, Washington D.C., Brookings Institution.

explaining the decision-making process in the U.S. in the area of national security. Part of the book deals explicitly with implementation. The interaction between decision-makers and implementers, and the role played by implementers who can be in favour of or against the decision, are brought out.

If we wish to answer the question, "how does the U.S. act?", then, according to Halperin, we need to explore the relationship between presidential decisions and the subsequent actions of government officials. This is necessary as faithful implementation of presidential decisions does not always occur. He lists three main reasons why decisions may not be implemented: 1) Officials may not know what it is they are supposed to do; 2) They may be unable to do what they have been ordered to do 3) They may resist doing what they have been ordered to do.

Halperin outlines the struggle over implementation. A Presidential decision rather than settling the question of what is to be done, opens up a new round of manoeuvres. The process which occurs after a presidential decision is similar to the process by which a decision is made. The participants are often the same as those involved in framing the decision, although many more lower-level officials may be involved in implementation. Participants will see different faces of the issue, have different stakes, and fight for different kinds of action. If they favour the action, officials charged with implementation are likely to be able to proceed despite the opposition of other groups. If they resist, then the problem of implementation is much more difficult.

Brecher, who, as shown earlier, had recognised the need to study the outcomes of decisions, implicitly employed the two tier model outlined above, [85] for he examined the working of the Israeli foreign office, the principal organisation concerned with implementing Israel's foreign policy decisions. Brecher classified foreign policy decisions into strategic, tactical, and implementing decisions. The Foreign Office of Israel, like all foreign ministries, is concerned with the last category of decisions. Its role is to make the correct implementing decisions that

[85] Brecher, Foreign Policy System of Israel.

will help operationalise strategic and tactical level decisions, decisions which are generally made by higher authority. Study of implementation then becomes a study of how implementing decisions are made. Brecher examined the structure and workings of the Israeli Foreign Office. He describes the origins of the Foreign Ministry, its structure, method of recruitment, and growth of the Ministry. He deals with the major sources of decision from the Foreign Minister downwards and the extent to which each successive minister concentrated authority in the minister's office. Thus like Halperin, Brecher focuses on the bureaucracy responsible for the implementation of foreign policy decisions.

The two tier model is implicit in Sapolsky's study of how the decision to develop the Polaris missile, the Fleet Ballistic Missile (FBM) Program was implemented in the U.S. The program involved the development, procurement and deployment of the Polaris missile, along with attendant sub-systems and a force of 41 nuclear-powered submarines. The Polaris program is considered an outstanding success; the missile was deployed years ahead of the original schedule, submarine building was completed rapidly, and there were no cost overruns.

The book describes the setting up of a new organisation, the Special Projects Office (SPO), to manage the program, and examines in detail the tactics followed by the members of the SPO to ensure successful implementation of the FBM programme. The proponents of Polaris strove to secure organisational autonomy. They were aware of the many ways in which projects can fail because of their dependence on cooperation among government agencies, each having independent bases of power and having conflicting goals and interests. Members of the SPO had two objectives: 1) to attract a broad base of support for Polaris both inside and outside the Navy; and 2) to prevent the rest of the Navy and the rest of the government from interfering in the management of the Polaris programme.

To achieve these objectives, four bureaucratic strategies were employed by the members of the SPO. These strategies were not codified in any program document, but an examination of the actions of the Director and staff of the SPO, reveals patterns consistent with the four strategies. The strategies followed were: 1) Differentiation. A unique demand was created

for the FBM system; the SPO tried to show that only their program would fulfil a particular national defence need. 2) Cooptation. Potential sources of opposition were made to feel part of the program. 3) Moderation. Attempts were made to build long-term support by sacrificing short-term gains. 4) Managerial innovation. The SPO invented a number of managerial techniques, such as Program Evaluation and Review Technique (PERT), and thus gained a reputation for innovativeness and effectiveness in management control, which prevented intervention by high-level outside officials. These strategies enabled the proponents of Polaris to promote and protect the programme so that Polaris implementation was a success. By the end of 1960, 2 FBM submarines were in operation and by 1967, 41 were constructed and deployed. The SPO achieved this with a minimum of interference despite the fact that Polaris was one of the costliest projects in U.S. history.

Thus the above works have implicitly employed the two tier model where decisions are seen as being put into effect by implementers who can be either the existing bureaucracy or a special organisation set up for this purpose.

1.4.4 Four Tier Model of Implementation

Analysis of implementation is possible in terms of the one tier and two tier models indicated above. It is possible however, to put forward a third model, a four tier model, which provides a better description of the complexities of the implementation process. That a two tier model which considered decision-makers and implementers may be inadequate in some cases has been recognised. Listing the reasons why decisions may not be implemented, Halperin writes that one possible reason may be that officials may be unable to do what they have been ordered to do. Sometimes, implementation requires getting another country to do something, and officials may find it impossible to implement the decision. [86] Thus analysis in terms of decision-makers and implementers may be insufficient to explain implementation of such decisions.

[86] Halperin, Bureaucratic Politics, p 242.

An example of a decision in which implementation involved actions by other countries is provided by Israel's decision in 1951, to seek and accept reparations for Jewish property lost in Europe. [87] In January 1951, the Government of Israel decided to pursue this objective through the four Occupying Powers. This approach failed. The decision could not be implemented as Moscow acknowledged Israel's notes but did not answer them, while the Western Powers were sympathetic, but declined to intervene. A second decision was then made to enter into direct negotiations with the West German government. Implementation of this decision too involved getting another country to do something. First, the West German government had to agree to pay compensation, then negotiations took place to determine the amount of compensation and the manner in which it would be paid. A study of the implementers of Israel's foreign policy and their role in the negotiations that led to the final agreement, can tell only part of the story. Cases such as this suggest that a model which encompasses actors in both countries would be more appropriate in the analysis of implementation of some decisions.

In trying to identify 'administrative limits' (a necessary first step in any attempt to make improvements in administration), Hood shows that there can be other 'external' limits to policy implementation. Some policies cannot be carried out because the available resources are insufficient. Other policies cannot be carried out because they are unacceptable for political reasons. Any workable policy must involve both resource availability and political acceptability, as well as 'administrability'. Hood distinguishes between three types of external limits: 1) Resource limits. These apply to failures in policy implementation which are caused by a shortage (relative or absolute) of materials, or of money. 2) Political limits. These refer to cases where policy implementation fails as a result of the application of power rather than by lack of resources or by unadministerability. 3) Quasi-administrative limits. These are a hybrid in that in some cases policy is 'administrable', but may be politically unacceptable. The reasons for the failure of policy turn out to be that the implications of proper policing

[87] Brecher, M. (1974) Decisions in Israel's Foreign Policy, London, Oxford University Press, Chapter 3.

are too unpleasant or too expensive to be accepted, not that the task is inherently impossible. [88]

The notion of "quasi-administrative" limits on a government's ability to implement any policy, indicate that while implementation may involve administrative or organisational problems, availability of resources, as well as political acceptability among those affected by implementation of the policy, are also important factors. Thus, "quasi-administrative limits implicitly recognise that government agents and publics make up a complete political arena within which a government must exist". [89] An analysis of decision-makers and implementers is important, but other factors such as acceptability of the decision among those affected by implementation is another factor that needs to be taken into account. An analysis of implementation that takes into account decision-makers and implementers, cannot explain implementation of decisions in cases where there are other limits other than 'administrative limits' present.

Pressman and Wildavsky, who studied the implementation of a federal programme to create jobs for the minorities, were critical of an approach that concentrates solely on the implementers, the agents or operators of government policy:

"One person says that he likes to think of implementation as problems that arise when goals are set at high levels of organisational decision but are not realised because of resistance or distortion at lower levels of organisational performance. We cannot force anyone to accept our choice of words or concepts, but we do think it makes more sense to conceive of 'organisation' in an extended sense so that it encompasses those whose cooperation is necessary for a program to be carried out. To us, it seems strange to talk of a program as being implemented merely because lower-level participants in the sponsoring organisation attempted to carry it out though essential support from others was not forthcoming. Support for a program within an organisation is but one stage of implementation as we

[88] Hood, Limits of Administration, Chapter 1.

[89] Clarke, "Foreign Policy Implementation", p 119.

understand it." [90]

The inadequacy of the two-tier model is recognised by Smith and Clarke who state that it is important to study implementation, for the perspective involves major shifts of emphasis in the study of foreign policy behaviour. One shift of emphasis - "is to see the international arena as an area of policy implementation". [91] It is not enough to concentrate primarily upon the agents of government, but it is necessary to shift to a study of the whole political arena.

"leaders are concerned to establish a coalition of implementing agencies to perform aggregate parts of the overall function that is required, and they must maintain that coalition over time. Giving orders is clearly not enough." [92]

The case studies in the book, incorporate this shift in emphasis, and recognise the need to extend analysis beyond decision-makers and implementers (the two tier model), into the environment in which implementation takes place.

"Most studies of policy implementation have looked primarily at policies handled within the distinctive environment of the state. Only a few of these studies take seriously the broader environments in which policy must be sustained. Even in the foreign policy literature, where the environment of policy is clearly more ambiguous and where authority and power are equally more uncertain, writers have tended to focus on problems of bureaucratic control and co-ordination. Now while bureaucratic difficulties can be a major headache for policy implementation, the central focus of this chapter is on the way in which the international environment of policy distorts, obstructs, or confounds decisions, even when they are taken by a relatively powerful and cohesive foreign policy machine in which bureaucratic conflict, disobedience, or misunderstanding

[90] Pressman & Wildavsky, Implementation, pp xv-xvi.

[91] Smith & Clarke, "Foreign Policy Implementation and Foreign Policy Behaviour", p 6.

[92] *ibid*, p 7.

are very limited." [93]

That a shift in emphasis to the study of the whole political arena is necessary was self-evident in an analysis of implementation within the European Community.

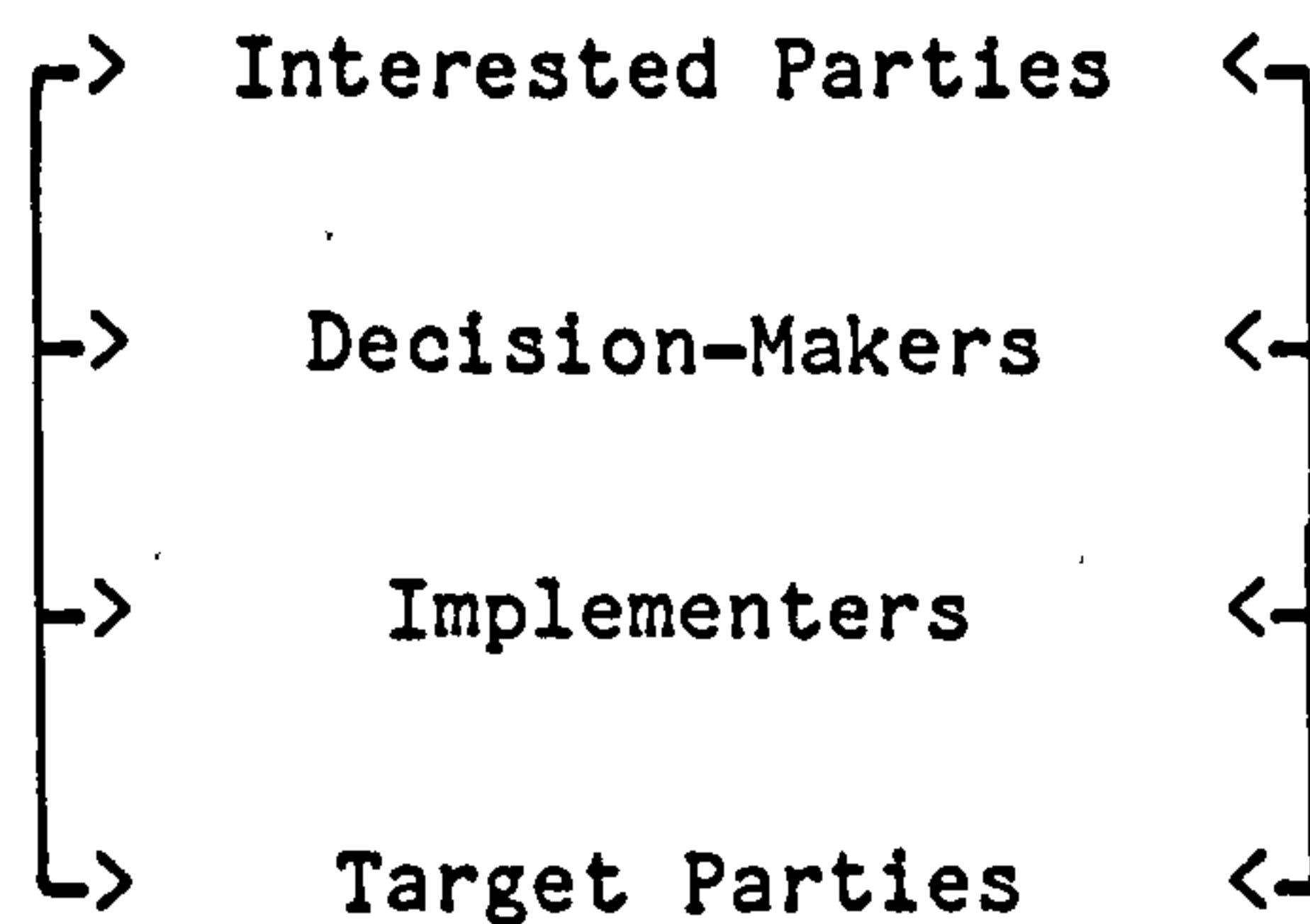
"Studying implementation within the EC, however, does provide one important advantage. Much of the debate among students of implementation is concerned with the validity or otherwise of adopting a 'top-down', hierarchical perspective. While much of the early writing on implementation did assume that implementation was simply that which followed decision-making in a neat sequential manner, and sought to prescribe effective solutions to problems of securing control and compliance within a hierarchical framework, more recent studies have argued that this is an oversimplistic approach All these authors are fighting against the implicit assumption that, within a unitary organisation or single nation-state, implementation is simply a problem of authority. When looking at the EC, we have no need to dispel such an assumption, as (in most cases) the EC has no such effective authority, and must proceed by bargaining and consensus-building." [94]

Thus the case studies bring out the need to extend the two tier model, to include both implementers, those responsible for implementing a policy, and target parties, those affected by the implementation of a decision or policy.

All these factors suggest that a model of implementation that goes beyond decision-makers and implementers and extends into the 'whole political arena' may be needed in the analysis of implementation of some decisions. This is necessary, to take into account the role played in implementation by the actors affected by implementation, both individuals and organisations. Such a model is sketched below.

[93] Farrands.C. (1985) "'Diamonds and Impotence': the Implementation of Giscard d'Estaing's African Policies", in Smith & Clarke, (eds) Foreign Policy Implementation, p 72.

[94] Allen,D. & Byrne,P. (1985) "Multilateral Decision-Making and Implementation: The Case of the European Community", in Smith & Clarke (eds) Foreign Policy Implementation, pp 123-124.



Decision-makers and implementers are the same as in the earlier two tier model. Included in the four tier model are 2 more categories of actors - interested parties and target parties. These last two categories of actors enable the environment in which the decision is made, and the environment in which the decision is implemented, to be included in the model. While everything in these environments could be considered relevant, it is useful for analysis to consider only those parties that become directly involved in the process. For example, in an analysis of decision-making within the Conservative Party during the years 1929-34, Ghosh found that though there was a formal structure of decision-making within the party, in practice, various pressure groups become involved and they are as much part of the decision-making process as are the formal institutions of the party. [95] In setting out the Bureaucratic Politics model, Allison and Halperin write that in the 'game' of decision-making, there is a central circle of senior and junior players, but outside these are groups such as influential Congressmen, members of the press, and other interest groups. These groups too can enter the 'game' and participate in it. [96] Thus the role played by interest groups in decision-making has been recognised. The model extends into the environment in which the decision is implemented. Here, target parties, those affected by implementation, can become involved in the process of implementation along with the implementers, those formally charged with implementation of a decision.

The model, like all models, is an oversimplified presentation of reality. The categories of actors in it are artificially defined. In reality, it is difficult to make clear-cut distinctions between decision-

[95] Ghosh, Decision-Making and Power.

[96] Allison & Halperin, "Bureaucratic Politics", p 47.

makers and implementers. Decision-makers and implementers can move between the boxes, being decision-makers at one point of time in the process, and acting as implementers at another. The Secretary of State for India, provides an example of one, who, as a member of the Cabinet, was a decision-maker, and was also at the head of the hierarchy of implementers.

The arrows in the model indicate that there is interaction among all the four categories of actors throughout the process. The model suggests that there is no neat cut-off point at the moment of decision. Interested parties, for example, will not only try and influence decision-makers (as has been recognised in the literature), but even after the decision has been made, will try and influence implementers and target parties. They will try and get the decision implemented if they are in favour, and they will try to prevent it from being implemented if they are opposed. Target parties will be affected by the actions of other parties, but will in their turn, try and influence these parties. They may try to influence decision-makers at the time the decision is made, and they may seek allies among interested parties. They may also try and influence implementers so that the decision is implemented in a way that is favourable to them. The existing literature on implementation suggests that target parties can, and do play an active role in implementation.

Thus the four tier model depicts implementation as a continuous process. Four broad groups or categories of actors are involved and these try to influence the process as it unfolds over time.

The four tier model is to be tested against case studies of implementation of three decisions, all three contained within the Government of India Act, 1935. The model suggests that a study of implementation would involve a study of decision-makers, implementers, interested parties and target parties and of the interactions between these groups of actors. Since this involved actors in both Britain, and India, the task of studying who is involved, the stands adopted by them and an analysis of the interactions between them, would be a daunting one. One way of simplifying analysis is to test the model with a set of propositions about implementation.

The model is tested by asking one fundamental question: What are the factors that are likely to be conducive to implementation, and what are the factors that are likely to be antithetical to implementation? The propositions set out below help to answer this central question.

1.4.5 Propositions

1. The longer the time taken over the decision, greater the chances of opposition to the decision, as there is more time available for opposition to form, and thus the greater the likelihood of controversy.

2. Greater the controversy at the time of decision, greater the chances of opposition being carried through to implementation and thus greater the difficulties in implementation.

3. Greater the controversy at the time of decision, the less the chances of successful implementation, as there would be less willingness to reopen or amend a decision reached after long negotiations, hence reducing the room for manoeuvre.

4. More open the decision, the greater would be the difficulties in implementation. Decisions are often intentionally open as this may be the only way to make a decision acceptable to those responsible for making it.

5. The greater the amount of time available for implementation, more the chances for opposition to make itself felt, and therefore the less the chances of successful implementation.

6. The greater the number of parties involved in implementation, the less the likelihood of the decision being implemented. Bargaining among the parties would need to be resolved by compromise, and greater the number of parties involved, the greater the difficulty in reaching a compromise.

7. Lower the level of cooperation received from implementers, greater will be the problems in implementation.

8. The greater the ability of target parties to resist, the greater will be the problems in implementation.

9. The longer the chain of command, the greater would be the difficulties in implementation. Decisions are rarely tailored to facilitate monitoring, and as a result, senior players have great difficulty in checking on the faithful implementation of a decision.

10. Greater the number of actors involved in both decision and implementation, the greater the chances of successful implementation. A corollary of this is that ambassadors and field commanders do not feel obliged to faithfully implement decisions because they are not usually involved in the making of the decision.

11. Organisations get involved in implementation in fairly regularised ways. Where a decision leaves leeway for the organisation that is implementing it, that organisation will act so as to maximise its organisational interests. This will create difficulties in implementation if the organisation is opposed and further implementation if it is in favour.

12. Interest groups tend to get involved in implementation on an ad hoc basis and on particular, discrete issues, and act so as to protect or advance those interests which are the *raison d'etre* of their group. The greater the involvement of such groups, the greater the difficulties in implementation.

13. Interest groups will have influence when there is an ideological connection between them and those whose task it is to implement decisions, the implementers. Such groups will not be able to influence officials if they are in ideological or political conflict with them. There is generally a close affinity between officials and the individual or group whose position they are persuaded to support.

14. Domestic pressures or even anticipation of such pressures can hinder implementation as they can restrict a government's ability to act.

The propositions set out above do not add up to a complete picture of the implementation process, but they do draw attention to factors that can affect implementation. The propositions suggest that what happens at the time the decision is made has important consequences for implementation.

If the period over which the decision was taken was long, there is time for opposition to form and this opposition can be carried through and can cause difficulties in implementation. Thus it is necessary to study the amount of time taken over a decision and to investigate whether there was controversy over it. The nature of the decision, whether it is closed or open, can affect implementation, and it is also necessary to examine if efforts were made to reopen or amend the decision. The amount of time available for implementation, the number of actors involved and whether these actors were involved in both decision and implementation, all these are important factors in implementation. The propositions suggest that successful implementation needs cooperation from both implementers and target parties. Organisations and interest groups can get involved in implementation, and both the manner of their involvement and their influence on the implementation process, are worthy of investigation. In short, the propositions lead to an examination of the role played in implementation by decision-makers, implementers, interested parties and target parties, the four categories of actors in the four tier model of implementation. The propositions raise a number of questions to which answers are sought in the case studies.

In a recent book which examines several case studies of implementation, [97] a set of questions as to the nature of implementation were set out in the opening chapter to serve "as a guideline for the research and analysis of the case studies". [98] Briefly, these questions were as follows:

1. What issues were involved? This required a historical outline of the issue to be examined.

2. What decisions were involved? Were the decisions crisis or routine? Were they concerned with military, political or economic issues?

3. What were the actual decisions? What decisions were taken, when and by whom?

[97] Smith & Clarke, Foreign Policy Implementation, pp 9-10.

[98] Smith & Clarke, Foreign Policy Implementation, pp 9-10.

4. How was the implementation of the decision attempted?
5. What were the results of the attempt at implementation?

The propositions about implementation set out in this chapter also raise a number of questions to which answers are sought in the analysis of the case studies that follow. These go beyond the five questions set out above and ask more detailed questions about the implementation process.

1.5 The use of case studies to build theory

The use of case studies to build theory is a method that transcends the scientific vs historical debate, for it involves elements of both. While each historical case that is analysed will be unique, it can be used to make more general statements about the phenomenon in question.

"The interests of the behavioral scientist, however, do lead him to attempt to go beyond a narrative of events and the enumeration of relevant factors into a search for explanatory theory that transcends the bounds of the particular case. He seeks, like the poet Stanley Kunitz, 'to crack the kernel of the particular in order to liberate the universal', or like Walt Whitman, 'to leap beyond, yet nearer bring'. From this point of view, the reconstruction and analysis of a single empirical case are instruments by which to advance the building of theory. If there are general laws of human behaviour, then even a single case offers an opportunity for potential insight into them." [99]

It is thus both possible and useful to attempt to formulate a more theoretically relevant concept of the single case to guide political research. Paige lists several ways in which case studies can be used to build theoretically relevant concepts. Possible theoretical uses of single case research are:- the assembling of an empirical basis from which theoretical propositions may be induced with or without an explicit a priori frame of reference, the provision of an empirical test of pre-existing propositions; and the establishment of an empirical basis for

[99] Paige, Korean Decision, p 10.

creating a conceptual framework or typology. Paige himself applied the Snyder, Bruck and Sapin decision-making framework to the U.S. decision to intervene in Korea in June 1950. It should be noted however, that Paige's application is concerned with the effect of crisis on the three variable clusters suggested by the Snyder framework rather than with how these three variable clusters - spheres of competence, communication and information, and motivation - affect decision-making behaviour. [100]

Eckstein distinguished among the several types of case studies and the different uses they have. He uses the term configurative-idiographic to describe a case study couched in idiosyncratic terms that are specific only to that case. A disciplined-configurative study on the other hand is one which is couched in terms of general variables. The former would have an idiographic (individually interpretative) emphasis, while the latter would be nomothetic (generalising, rule-seeking). [101] The use of case studies to build theory involves the disciplined-configurative mode of analysis. The uniqueness of the event is recognised, but the case is described and analysed in terms of general variables. This permits comparison with other cases and cumulation of findings which is not possible with the configurative-idiographic method of analysis.

Alexander George has built on earlier works such as that by Eckstein to put forward a method of building theory through analysis of a small number of cases, a strategy he terms 'structured focused comparison' which involves 'controlled comparison' of a few appropriately selected cases. [102] George sets out clearly what such an approach involves, namely, a combination of the historical and behavioural methods, gives the advantages to be gained by this approach, and outlines the steps to be taken in carrying out a 'controlled comparison'. Some of the arguments in this important article are summarised below.

[100]See Sullivan,M.P. (1976) International Relations, London, Prentice-Hall, pp 68-69.

[101]Eckstein, "Case Study and Theory in Political Science", pp 96-104.

[102]George, A.L. (1979) "Case Studies and Theory Development: The Method of Structured, Focused Comparison" in Lauren,P.G. (ed) Diplomacy, New York, The Free Press.

Development of historically grounded theory could not take place while there was considerable controversy about whether the historical or behavioural method was best suited to the study of international relations. Historians stressed the uniqueness of each case, pointed out that history does not repeat itself, and viewed with suspicion efforts by political scientists and others to generalise from historical case studies. Political scientists on the other hand were drawn to the behavioural approach and argued that one can deal with unique cases by treating them as members of a class or type of phenomenon one is seeking to understand better, such as deterrence, alliance formation, or crisis decision-making. This controversy has given way to a consensus that the two approaches are complementary, that they perform different tasks, both of which are needed.

At first there were optimistic expectations of the behavioural approach, but difficulties encountered in attempts at theory building have led political scientists to believe that a variety of methods, both qualitative as well as quantitative, must be employed to develop theory. For example, difficulties were encountered in efforts to develop generalisations via statistical analysis of a large number of cases of a given type or phenomenon. While generalisations or laws were sought that applied to all cases of a particular type, the study of particular cases led to the addition of more and more variables which led to an explanation tailored to each case. This did not lead to the conclusion that the quest for theory and generalisations was infeasible, that henceforth only atheoretical single case studies should be undertaken. "Rather the solution to this apparent impasse is to formulate the idiosyncratic aspects of the explanation for each case in terms of general variables." [103] (Emphasis in original.) Thus the uniqueness of the explanation is recognised, but it is described in more general terms.

The use of case studies to build theory helps us to draw the correct lessons from history. Lessons of history are often inconsistent, sometimes contradictory, and generalisations are therefore hazardous. People often disagree as to what is the correct lesson to be drawn from a particular

[103]ibid, p 46.

historical experience. Secondly, people often misapply lessons learnt from one case to a new situation that differs from the past one in important respects. But historical experience can be utilised to deal with contemporary situations that bear a resemblance to past historical cases. This can be done by: "stating lessons in a systematic and differentiated way from a broader range of experience that deliberately draws upon a variety of historical cases. In other words, the task is to convert 'lessons of history' into a comprehensive theory that encompasses the complexity of the phenomenon or activity in question." [104] (Emphasis in original.)

Theory helps to show the similarities between historical events and also helps in identifying the differences between them, so that correct analogies can be made.

"Theory attempts to absorb the 'lessons' of a variety of historical cases within a single framework; it is the task of theory to identify the many conditions and variables that affect historical outcomes and to sort out the causal patterns associated with different historical outcomes. By doing so, theory accounts for the variance in historical outcomes; it clarifies the apparent inconsistencies and contradictions among the 'lessons' of different cases by identifying the critical conditions and variables that differed from one case to the other". [105]

The use of case studies to develop theoretical concepts, involves adoption of an analytical inductive approach. This is different from the deductive approach in which historical cases are used to illustrate general points deduced from abstract models and theories. In the inductive approach, generalisations are induced from systematic examination of historical cases. The deductive approach, it has been recognised, can present difficulties. Early theories of deterrence and coercion were developed as deductivist products of decision and game theory and were not well grounded in historical experience, and, as subsequent empirical work showed, offered only rudimentary explanations for why and when deterrence

[104]ibid, p 43.

[105]ibid, p 44.

and coercive efforts could be expected to be successful. This would not have presented serious problems if the theories had been offered only for heuristic purposes, in fact, they were presented as prescriptive theories which could serve as guides to policy-making.

"As a result of this experience, many political scientists now have a better appreciation of the limits of formal deductivist approaches as a strategy for developing policy-relevant theory and the utility of analytical induction as an alternative approach for this purpose." [106]

It is thus both possible and useful, to attempt to build theory through analysis of single case studies. Explanations for each case are set out in terms of general variables, and this enables comparison with other cases.

"The circumstances and paraphernalia will differ between the Peloponnesian War and World War II, but the patterns of human fears and anxieties and perceptions of threat and injury may not be dissimilar. A fundamental part of the problem lies in identifying the levels of abstraction at which problems or events that are widely separated in time and space are found to be similar." [107]

Alexander George, has, as stated earlier, put forward a method of using case studies towards theory building, through analysis of a small number of cases, a method that involves structured, focused comparison. The procedure to be followed in carrying out such a study is outlined by George and is briefly summarised below. Concentration on a small number of cases permits both, an in-depth investigation and a comparison between the cases chosen for analysis.

In carrying out a structured, focused comparison, the investigator must first select appropriate cases for in-depth investigation. He must define clearly the type of event or phenomenon that is to be studied and select cases accordingly. They must all be instances of a phenomenon the investigator wishes to study or theorise about, such as instances of

[106]ibid, p 48.

[107]Holsti, Brody & North, "Perception and Action in the 1914 Crisis", p 124.

coercive diplomacy or instances of alliance formation. The cases selected must be instances of the same class or universe, one must not mix apples and oranges.

Having selected appropriate cases for intensive analysis, the investigator must be selective and focused in his treatment of the cases being studied.

"It is the investigator's theoretical and/or practical interest which should define what aspects of a historical case he singles out for description and explanation. One reason why single case studies in the past contributed so little to theory development was that they either lacked a common focus or a common approach to the study of a given type of problem. In analysing a historical case, the investigator often attempted to do justice to all those aspects of it that were particularly interesting or unusual, or on which reasonably good historical data was available. There was no assurance, therefore, that those aspects of the case relevant for developing a particular kind of theory would be included or treated adequately in the case study." [108]

In the method of structured focused comparison, the investigator uses selected data, rather than all the data that is available. He selects certain aspects of the case for analysis and these in turn are determined by his theoretical interests. By being selective in the aspects of the case that he analyses, by choosing a focus for the study, the investigator makes the study comparable to other investigations, and cumulation of findings becomes possible.

The procedure for employing a research strategy of structured focused comparison can be split up into three phases. In phase one, the design and structure of the study are formulated. First, the investigator must specify the kind of phenomenon or behaviour that he is singling out for examination, then specify the variables that will be examined in the study. Appropriate cases are selected for examination and in phase two, the case studies are carried out in accord with the design. The investigator

[108]George, "Case Studies and Theory Development", p 50.

develops a historical explanation for the outcome in the cases being examined, but transforms the specific explanation into the concepts comprising the conditions and independent variables of the theoretical framework specified in phase one. In phase three, the investigator concludes the study by drawing upon the results of the investigation in order to assess, reformulate, or elaborate the initial theory. The method outlined above employs a research strategy of structured, focused comparison; the method is structured because it employs general questions to guide data collection, and it is focused because it deals with selected aspects of the cases being studied.

This study involves an application of the method of structured, focused comparison. It involves a study of implementation, and the implementation of three decisions is examined. The decisions, though separate, and easily identifiable as such, were incorporated within one Act, the Government of India Act, 1935. The outcomes in the cases chosen for analysis were different, two of the decisions were implemented, and one was not implemented. Thus a comparison between cases of successful and unsuccessful implementation is possible and this should enable investigation of whether the factors set out as a series of propositions did or did not affect implementation. Thus the cases selected are particularly appropriate and interesting for study. In addition, as indicated earlier, the Act was an important development in modern Indian history, and non-implementation of one of the major decisions had far-reaching consequences for the future of the subcontinent. While three is a small number of cases to study, it can nonetheless provide a basis for comparison.

"The desideratum that guides selection of cases in the controlled comparison approach is not numbers but variety, that is, cases belonging to the same class that differ from each other. Thus the investigator in designing the study will either seek cases in which the outcome of the dependent variable differed or cases having the same outcome but a different explanation for it." [109]

[109]ibid, p 60.

Two of the three cases of implementation examined had the same outcome, they were implemented, while the third had a different outcome, it was not implemented.

Each of the case studies is guided by the model and by the propositions set out earlier in the chapter. In each case, answers are sought to questions raised by the propositions. Some of these questions relate to the making of the decision. Was the decision taken over a long or short period of time? Was there controversy at the time the decision was made? These factors, the propositions suggest, may have important effects on the implementation of those decisions. Other questions concern the decision itself: Was it open or closed? What was the length of time available for implementation? Was any attempt made to reopen the decision? Questions are asked about who was involved in implementation, and of the role played in the implementation process by interested parties, decision-makers, implementers and target parties, the four categories of actors, that the four tier model suggests are involved in the process.

Specific questions and answers are however, not sought in each case for two reasons; one, this would break up and fragment the narrative of events and two, it would prevent examination of the idiosyncratic features of each case. The restrictive effect of setting out case studies in the form of questions and answers was recognised by George and Smoke. [110] In applying the method of structured focused comparison, George and Smoke, set out eight questions which can be asked of the cases of deterrence chosen by them for analysis, questions which show the sequence of deterrence efforts and probes. However, explicit lists of questions and answers are omitted in the analysis of the cases in the interests of readability. There is some uniformity in the presentation of the cases, but where necessary, aspects idiosyncratic to a particular case are dealt with in detail.

A strategy similar to the structured focused comparison method, was adopted by Brecher in examining two crisis decisions in Israel's foreign

[110]George,A.L. & Smoke,R. (1974) Deterrence in American Foreign Policy, New York, Columbia University Press.

policy, during 1967 and 1973, though he labels it "structured empiricism". Brecher too sets out a list of 9 questions which guide the inquiry. The data for the two crises is however structured not according to these 9 questions, but by employing the framework for the research of foreign policy behaviour, developed by Brecher earlier. The case studies are then utilised to make comparisons between decision-making behaviour during the pre-crisis, crisis and post-crisis periods. [111]

Smith & Clarke too, though they set out a number of questions to guide research and analysis of the case studies of implementation put together in a recent work on implementation, "decided that it would be unrealistic to set out a rigid framework of implementation within which each of the case studies could be examined;" [112]

The case studies examined in this thesis are also not set out as answers to the specific questions raised by the propositions. Comparison between the cases will be made after the exposition of the case studies. The study will investigate whether there was a similarity in the two cases of successful implementation, and ask in what way the case of unsuccessful implementation differed from these two cases.

1.6 Historical background. Setting the scene.

Before turning to the three case studies of implementation examined in this thesis, namely the three decisions incorporated in the 1935 Act and their implementation, it is necessary to go back in time a little, for the Act was a continuation of a process begun much earlier by which responsibility for Indian affairs was sought to be transferred into Indian hands. A brief sketch of earlier constitutional developments sets the scene, but first an unusual feature of the Raj, the dual nature of the control it exercised over its subjects is noted.

[111]Brecher, Decisions in Crisis.

[112]Smith & Clarke, "Foreign Policy Implementation and Foreign Policy Behaviour", p 9.

1.6.1 Dual nature of control – provinces and states.

Within a hundred years of Clive's laying the foundations of the British Empire, the whole of India (except Nepal, also the small enclaves of Goa, which was Portuguese, and Pondicherry, which was French) was under British rule. There were, however, two distinct and separate methods of control, a duality brought about by the two separate means by which the territories had been brought under British rule, and these persisted till the end of the Raj. [113]

About 3/5 of the country was subject to direct British administration. Over the years, these territories had been annexed (to the British Crown) through war and conquest or by taking over territories by applying the notorious 'Doctrine of Lapse' (by which the title of the ruling dynasty was held to have lapsed through lack of lawful heirs). These annexed territories formed the provinces of British India [114] and like the other colonies of the British Empire, were under the control of Parliament. Parliamentary control was exercised through the Secretary of State for India, who in turn acted through the Governor-General or Viceroy. [115] Major changes could only be brought about by Parliament, but the Governor-General had the authority to make the multitude of minor laws needed to deal with local matters. Neither the central, nor any provincial government could introduce any bill unless it had been approved by the Secretary of State. The Secretary of State also exercised tight control over the finances of the central government and through it over the finances of the provinces. Thus legislative and financial means were used to maintain overall control over the territories of British India, though matters of day-to-day administration were left to the government in India.

[113]Coupland,R. (1942) The Indian Problem 1833-1935, London, Oxford University Press, Chapter I; Menon,V.P. (1956) The Story of the Integration of the Indian States, Calcutta, Orient Longmans Ltd, pp 1-12.

[114]See map p viii.

[115]Where the Governor-General was referred to as the statutory head of the Government of India, he was designated as Governor-General; where he was regarded as representative of the Sovereign, he was spoken of as Viceroy. The distinction between the two titles was blurred, and the terms were used interchangeably. The term Viceroy was first used in the Royal Proclamation of 1858.

The other 2/5 of the country was subject to indirect rule, these were the princely states, [116] and were often referred to as 'Indian India'. These had been brought under British rule by a system of subsidiary alliances instituted by Wellesley and continued by succeeding Viceroys. Under these subsidiary alliances, the hereditary rulers maintained control over the domestic affairs of their states, but accepted the suzerainty of the Crown, and surrendered all control over external affairs to the Paramount Power. In return they received protection against external aggression and internal rebellion. A British Resident was installed in every state which accepted a subsidiary alliance. Thus the relationship of the states with the British Government was very different from that of the provinces. Their territories had not been annexed, and relations with the Crown were governed by agreements concluded in the past.

The rulers retained their domestic autonomy, their territory did not become British soil, nor their subjects British subjects. Neither Parliament in Britain, nor any legislature set up by it in India was entitled to make laws for the internal government of the states. At the same time, the rulers were not fully sovereign. They could not make war or carry on negotiations with any other states without the permission of the Paramount Power, which also retained the right to intervene in states' affairs - 'the Governor-General was present by proxy in every State'.

Thus the provinces and states differed both in their form of government and in their relations with the Raj. The provinces were in subjection, complete in law and considerable in practice, to the supreme authority of the central government and the Secretary of State. The states too were subordinate to the Paramount Power, but the subordination was much more limited since they retained control over their domestic affairs. In the provinces, the power of the central government permeated everywhere, in the states it could be exercised in their internal affairs only in exceptional circumstances. There was thus a basic dualism in the structure of the British Raj, which was separated into British India and Indian India.

[116]See map p viii.

It had however, not been possible to separate the two completely, since geographically, the states and provinces were closely intertwined. There were inevitably matters of common concern for both Indias, the railways provide an obvious example. On such matters, the government was able to legislate for the provinces, but needed to secure the agreement of the states and this had to be done through bargaining. The states were thus in a position to obtain privileges and concessions, while the provinces were not. For example, the Government of India would have been unable to effectively impose customs duties if states along the coast had continued to import goods without imposition of any duties. Maritime states had agreed to impose the same customs duties as those levied at British Indian ports, but in return they had been permitted to keep some of the proceeds. The duties collected at ports in the provinces on the other hand, went directly to the central government.

The dual nature of control exercised by the British Raj had important consequences for the implementation of the decisions examined in this thesis. One of the decisions, the proposed all-India federation sought to bring together both Indias, but the government exercised different degrees of control over the target parties in British India and those in Indian India. For the states, relations were conducted through a Political Department set up under the direct charge of the Governor-General. The Political Department had Residents and Political Agents in all the important states and groups of states.

The system of governing British India and the changes that had been brought about over the years are dealt with briefly in the next subsection. No attempt is made to trace political developments, but a sketch of constitutional developments provides the necessary background for this study.

1.6.2 Events leading to the 1935 Act.

The shock of the mutiny in 1857 brought major changes in Britain's control over its Indian empire. In 1858, the East India Company was abolished and Parliament assumed direct control over British rule in India. The mutiny had revealed the necessity of establishing closer

contacts between British rulers and Indian subjects. Only by establishing closer contacts with those whom it governed, could the government become aware, by other means than violent rebellion, of prevalent Indian opinion.

Legislation was undertaken to expand, and if necessary, establish Legislative Councils, both at the centre and in the provinces. Many of the additional members were to be chosen from outside the ranks of the civil service, they were to be 'non-officials' and most were Indians. The majority in the Councils were still officials, and all non-officials were nominated by the government. The legislative councils continued to be unrepresentative of Indian opinion. By the appointment of Indians to the legislatures, the government merely sought to increase the association of Indians with the government. [117]

It was not till 1909 that moves towards representative government were made and that the principle of election was recognised, both at the centre as well as in the provinces. The Indian Councils Act of 1909, [118] also known as the Morley-Minto Reforms (after the Secretary of State and Viceroy respectively), led to the existing councils being expanded. Provision was made for the election of the majority of non-official members, both in the central and provincial legislative councils. The method by which these members were elected was that of indirect elections; those at the centre were elected by the provinces, and those in the provinces were elected by a variety of public bodies, such as municipalities and district boards.

Together with the expansion of the councils, the number of non-officials was increased. A small official majority was retained at the centre, but in all the provinces the officials were outnumbered by the nominated plus the elected members. This non-official majority in the provinces was not effective as the government could usually rely on the support of the nominated members.

[117]Coupland, Indian Problem, p 21.

[118]Spear, P. (1965) The Oxford History of Modern India 1740-1947, Oxford, Oxford University Press, pp 329-332; Misra, B.B. (1970) The Administrative History of India 1834-1947, Bombay, Oxford University Press, pp 49-58.

There were no changes in the executive. The government could enforce its will at the centre through its official majority and in the provinces through the powers of the governors.

The Act of 1909 continued the earlier trend of British policy which was opposed to conceding any form of government comparable to a colonial constitution. The provinces continued to be no more than agents of the centre, and the centre was in turn, subordinate to the Secretary of State.

The Act is notable for the introduction of the principle of election and for the concession of separate electorates for Muslims. The Muslims had asked Lord Minto, the Viceroy, for representation of Muslim interests through special constituencies. Special constituencies for Muslims were created at the Centre and the Provinces, and the principle, once conceded, was continued thereafter and : "It may perhaps be described as the official germ of Pakistan". [119]

It was, it is generally agreed, the first World War which provided the impetus for an advance from representative government to responsible government. In the first place, Indian contribution to the war effort was substantial in terms of men, money and materials, and came from both the provinces and the states. Secondly, the magnitude of the Indian effort, together with the fact that the Allies were fighting to preserve freedom and democracy against attack from Germany, meant that the British Government had to make some response to the demands of Indian nationalists. A third contributory factor was that the defeat of Turkey brought together Hindus and Muslims in the Khilafat movement, thus strengthening nationalist demands for responsible government. All these factors meant that the British Government had to consider an advance in its Indian policy. [120]

Despite its preoccupations with the war, the Cabinet in London approved a statement that was made by the Secretary of State, Edwin Montagu, in the House of Commons on 20 August 1917. It was a historic announcement which

[119]Spear, History Modern India, p 332.

[120]Coupland, Indian Problem, pp 51-52; Spear, History Modern India, pp 335-336.

committed Britain to the development of self-government in India:

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire

I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of time and measure of each advance," [121]

The announcement stressed that the process by which India was to gain self-government was to be a slow one. Britain had conceded ultimate self-government for India, but the Congress was demanding immediate home rule. Thus though both acknowledged the same aim, there were differences between them about the rate of progress by which these were to be achieved. This difference was to continue and to be a crucial factor in the future when further moves towards self-government were planned. [122]

After the announcement, the Secretary of State toured India and together with the Viceroy, Chelmsford, produced a Report on Indian Constitutional Reforms. Its recommendations were incorporated in the Government of India Act of 1919. Some of the main features of the Act are briefly summarised below, as it introduced a measure of responsible government and provided the starting point for the next set of constitutional reforms. The reforms of 1919 introduced a small measure of responsible government and the next set of reforms could only go forward from this position.

Government of India Act, 1919 - The main features of the Act were that it gave the provinces independent powers by devolution from the centre and

[121] Philips, C.H. (1962) The Evolution of India and Pakistan, 1858-1947 : Select Documents, London, Oxford University Press, pp 264-265.

[122] Spear, History Modern India, pp 339-340.

that it granted limited self-government to the provinces by a device known as dyarchy.

There were 9 Governors provinces - Madras, Bombay, Bengal, the United Provinces, Punjab, Bihar and Orissa, the Central Provinces, Assam, and Burma. There were also 7 other territories left in charge of Chief Commissioners who acted as agents of the Central Government; these were - NWFP, Baluchistan, and the minor units of Delhi, Coorg, Ajmer-Merwara, and the Andaman and Nicobar Islands. Before 1919, the provinces had been subordinate to the centre in both finance and legislation. Under the Act of 1919, devolution of authority to the provinces was effected by a division of subjects into central and provincial. Demarcation between the central and provincial fields was identical for all the provinces. The central government was to be responsible for subjects such as defence, foreign affairs, customs and railways, and relations with the princely states. Provincial governments were to be responsible for subjects such as police, prisons and administration of justice (law and order), public health, education, agriculture and land revenue.

Self-government was introduced in the provinces by means of 'dyarchy'. The provincial subjects were further subdivided into 'reserved' and 'transferred' and this division differed between the various provinces. 'Reserved' subjects which included justice, police and prisons, land revenue administration and labour matters were to be administered by the Governor. 'Transferred' subjects which included local self-government, agriculture and fisheries, education and public health, were to be administered by Ministers who were responsible to the provincial legislatures. This distribution of executive powers in the provinces, between the Governor-in-Council, and the Governor acting with the advice of his Ministers responsible to the provincial legislature, was called dyarchy.

Provincial legislatures could legislate on subjects specified as provincial, but the Central legislature remained entitled to legislate over all subjects. Bills passed by a provincial legislature required the assent of the Governor and of the Governor-General, so that both had the power of veto. In addition, the Governor could, in the case of a Bill

relating to a reserved subject, 'certify' that its passage was essential for the discharge of his responsibility for that subject. If the provincial council refused to consider or pass such a bill, he could treat the Bill as though it had been actually passed by the legislature, though any such measure had to be laid before Parliament.

At the Centre, the Governor-General continued to be responsible to the Secretary of State and to Parliament. The legislature was expanded and reconstituted on a bicameral basis. The lower house was to be known as the Legislative Assembly and to have 145 members, 104 elected and 41 nominated members. The upper house, or Council of State had 60 members with an unofficial majority. Since the majority of the members of the legislature were now elected, provision was made for the enactment of measures in special circumstances without normal approval of both chambers. The Viceroy had reserve powers to overcome any deadlocks that might arise in the legislature. The Viceroy could pass bills and carry them into law over the heads of the legislature if they were certified to be necessary for the safety and tranquillity of India and to authorise expenditure in the same way. In addition, certain heads of expenditure such as defence were not subject to popular vote.

The existence of separate electorates was continued and the principle was extended to cover other communities - Sikhs in the Punjab, Indian Christians in Madras, and Anglo-Indians and Europeans in certain provinces. There were special constituencies as before for representation of special interests such as universities, landholders and industry. Apart from communal and special electorates, the members of provincial legislatures were elected from territorial constituencies. The method of election both in the provinces and at the centre was that of direct elections. The franchise was extended but certain property qualifications were retained. [123]

Thus by the Act of 1919, there was a devolution of executive,

[123]For a summary of proposals of the Act of 1919, see Spear, History Modern India, pp 342-345; Coupland, Indian Problem, pp 61-65; Misra, Administrative History, pp 70-76.

legislative and financial [124] powers from the centre to the provinces. The provinces gained authority over certain subjects and also a measure of responsible government through the system of dyarchy. No responsibility was introduced at the Centre. The Governor-General was given a wide range of powers to ensure the stability of the government and these were mirrored in the reserve powers of the governors which ensured the stability of provincial governments. Thus in one respect the Act broke new ground, it introduced the principle of self-government in the provinces, but in another respect continued earlier trends and maintained a strong centre.

The Montford Reforms applied only to British India, to the provinces, and not to Indian India. Parliament did not have the authority to legislate for the Indian states, this was the basic duality of the British Raj. The authors of the Report warned that the growth of nationalism in British India was bound to affect the states - 'Hopes and aspirations may overleap frontier lines like sparks across a street'. Changes in the states could not however be brought about directly as they could be in British India. Given the fact that there were so many matters of common concern to the provinces and the states, the authors cautiously suggested that the two Indias might some day in the distant future come together in some sort of federation. Meanwhile, to break down the isolation of the rulers from one another and from British India, the report proposed the formation of a Council of Princes. This was to be a permanent body, set up for deliberative purposes, which would permit discussions between the Princes and the Government. The Chamber of Princes was established by a Royal Proclamation on 8 February 1921. [125]

This then was the picture at the time when moves began which culminated in the next set of reforms, the decisions whose implementation are the subject of this study. India was still very much part of the British Empire, but was itself divided into two areas, British India and Indian India, over which the government exercised very different forms of control. The British Government had recognised India's contribution to the

[124] Devolution of financial powers is dealt with in Chapter 2.

[125] Menon, Story Indian States, pp 13-17.

war effort by making concessions towards self-rule. India's right to ultimate self-government was recognised, and by the Act of 1919, a small step was taken towards this goal by the introduction of dyarchy in the provinces.

The Act of 1919 proved unsatisfactory for a variety of reasons. The chief one was the growing strength of Indian nationalist opinion, particularly of the Congress, now under Gandhi's leadership, which was demanding greater concessions towards self-rule. The Indian National Congress launched a non-cooperation campaign. Meanwhile those who had cooperated with the government and had agreed to work the reforms of 1919, began to ask for an advance in the constitutional position almost as soon as they took their seats in the Assembly. [126]

The Montford Report had recommended that at the end of ten years a Commission should be appointed to examine the working of the new constitution and to investigate the possibility of further devolution of powers. Subsequent commissions were to be appointed thereafter every 12 years. The government looked to this provision for periodical inquiries and, as a concession to nationalist opinion, appointed a Statutory Commission, two years before the appointed date, in November 1927. The Commission was to review the working of the Act and to suggest changes in response to the growing political demands.

The appointment of the Simon Commission marked the beginning of a lengthy process that culminated eight years later in a new set of constitutional reforms, the Government of India Act, 1935. During this period, negotiations were conducted, an attempt was made to reach a consensus among the different parties involved, committees were appointed to deal with matters such as franchise and taxation, and opposition to the Act within the Conservative party was overcome. The Act itself was a voluminous document, 326 pages long, containing 10 schedules and 321 clauses, and was the longest statute to be passed by the British

[126]Coupland, Indian Problem, pp 77-78.

Parliament. [127] In many ways the Act served as a blueprint for independent India, long sections from the Act were lifted whole and incorporated in the constitution of 1950. The Act was a major decision about the future of India.

The Act separated Burma from India, created three new provinces, Sind, Orissa and the NWFP, and led to the reconstitution of provincial assemblies with second chambers being added in several provinces. The Act proposed two major changes, these were the introduction of responsible government in the provinces, and the formation of an all-India federation to bring together the provinces and the princely states. It is the implementation of the changes to be brought about by the Act that are the subject of this study.

As stated earlier, while the Act can be regarded as one decision, its length and complexity and the number of changes it was to bring, suggest that it is more correct to see it as several decisions incorporated in one piece of legislation. Such an approach is also more fruitful from an analytic point of view. The implementation of three decisions, the two major decisions, concerning federation and provincial autonomy, plus one of lesser importance, the division of finances between the centre and the provinces is examined. While two of the decisions were implemented, a third, the establishment of an all-India federation was not implemented, and it has been suggested, this led ultimately to partition. Implementation (and non-implementation) of the provisions of the Act had important consequences for the future of the subcontinent.

Each of the three case studies of implementation begins with an account of the making of the decision, for the propositions suggest that the length of time and controversy at this stage can affect the implementation process. In the analysis of implementation answers are sought to the questions raised by the propositions, such as whether the decision was open or closed, how much time was available for implementation, who were the parties involved in the process, did organisations get involved in

[127] Moore, R.J. (1970) "British Policy and the Indian Problem, 1936-40", in Philips, C.H. & Wainwright, M.D. (eds) The Partition of India, London, George Allen & Unwin Ltd, p 79.

regularised ways, was there involvement of interest groups, and if so did they have influence. The narrative is not broken up into questions and answers in the interests of readability. The analysis of these three case studies is guided by the model and the propositions set out earlier in the chapter. The applicability and validity of the model and the evidence supporting (or refuting the propositions are dealt with in the concluding chapter.

Chapter 2

Financial Autonomy. Distribution of Revenues Between the Centre and the Provinces.

2.1 Introduction

The issue of centre-provincial finances though not one of the major features of the 1935 Act is an important issue that merits study. Firstly, it provides a case-study of successful implementation and as stated in Chapter 1, a comparison is to be made between cases of successful and unsuccessful implementation. Secondly, it established the pattern for financial relations between the centre and the provinces in the future. The financial provisions under the 1935 Act and the way they were implemented, determined financial relations between the centre and the provinces in the remaining years of British rule and even after India became independent. In many ways, the 1935 Act was used as a blueprint for the constitution of independent India and this was specially true of the financial provisions. Future financial settlements between the centre and provinces closely followed those made under the 1935 Act. Finally, a first-hand account of how the decision on separation of finances between the centre and the provinces was implemented is available in the papers of P.J. Grigg, Finance Member of the Viceroy's Executive Council from January 1934 - September 1939. As Finance Member, P.J. Grigg was at the head of the bureaucracy responsible for implementing the decision, the Finance Department of the Government of India. [1] The Grigg papers are thus a valuable source which gives an inside view of the implementation of this

[1] The executive government consisted of the Viceroy and members of his Council. The Council consisted of 7 members of whom 3 were Indians. The portfolio system had been introduced as early as 1861. See Spear, P. (1965) The Oxford History of Modern India 1740-1947, Oxford, Oxford University Press, p343; and Misra, B.B. (1970) The Administrative History of India 1834-1947, Bombay, Oxford University Press, p30 and P74.

decision. This primary source has not been fully investigated by historians though most other sources relating to the period under study have been closely scrutinised. References to the Grigg papers have been made in historical works dealing with more general topics or covering a wider timespan and thus have been referred to rather than studied in detail. [2] For the present study, the papers are an invaluable source. A study of the papers reveals the extent to which the Finance Department and the Finance Member in particular was able to influence implementation of the decision.

2.2 Historical Background

A brief sketch of the way centre-provinces financial relations had developed over the years is given below. While a general background sketch of events is given at the end of Chapter 1, a brief review of purely financial aspects is necessary for an understanding of the implementation of the decision being examined in this chapter.

After 1858, when the Crown assumed sovereignty over the territories of India, a unitary form of government was established. The post of a Secretary of State for India was created and was given overriding authority for the government of India. The supremacy of the Secretary of State was affirmed in the financial sphere by giving him complete control over the finances of India. There was a single budget for the whole of India, revenues collected by the Centre or the Provinces were included in this one budget and the Government of India did not have power to impose taxes, assign revenues to the provinces or raise any loans without the sanction of the Secretary of State. [3] This tight control by the Secretary of State over the finances of the Government of India led to the centre maintaining in turn, a tight grip on the finances of the

[2] See Tomlinson, B.R. (1979) The Political Economy of the Raj 1914-1947, London, Macmillan, p91; and Gallagher, J. (1982) The Decline Revival and Fall of the British Empire, Cambridge, Cambridge University Press, p138.

[3] Chanda, A. (1965) Federalism in India, London, George Allen and Unwin Ltd, p134.

provinces. [4] There was no distinction between the classes of taxes that might be levied by central and provincial governments, and money raised by taxes levied by the provinces became part of the common revenue of the Government of India as did money raised within a province by central taxation. The provinces had no legal claim to a share in the proceeds of taxation. Local governments had to rely on doles from the centre to carry out the functions of administration allotted to them.

The Secretary of State's control though legally absolute, was restricted in practice by two factors. One was the distance of India from England and the second was the sheer volume of business involved. Thus in practice, financial control was exercised in matters of policy but the details of carrying it out were left to the Government of India. [5] The Government of India in its turn found it difficult to run such a centralised system where every little detail of expenditure in a province had to be referred to the centre. [6]

Over the years a slow devolution of financial authority to the provinces took place, starting in 1871 when the proceeds of specified heads of revenue were assigned to the provinces. [7] A series of Provincial Financial Settlements followed and the centre was able to relax the close control it had previously exercised over the finances of provincial governments. [8] Rules were also made authorising provincial expenditure for stated purposes within limits laid down by the centre. The concept of 'divided heads' of revenue evolved along with the settlements. At first the Centre retained wholly revenues whose locale was not a true guide to their incidence and all other revenues were made divisible between the centre and provinces. The first step in the granting of financial autonomy to the provinces was taken when provinces were awarded

[4] Vakil, C.N. and Patel, M.H. (1940) Finance Under Provincial Autonomy, Bombay, Longmans Green and Co Ltd, pp1-2; Gallagher, Decline, Revival, Fall, p78.

[5] Coupland, R. (1942) The Indian Problem 1833-1935. Report on the Constitutional Problem in India. Part I. London, Oxford University Press, pp10-11.

[6] Misra, Administrative History, p373.

[7] ibid, p375.

[8] Details of settlements in ibid, pp373-387.

definite percentages of certain revenues. This autonomy was increased when shortly before the reforms of 1919, some revenues were allotted wholly to the centre, some were made divisible between the centre and provinces and some were allotted wholly to the provinces. [9] Central control over provincial expenditure continued and since the Government of India took a percentage of the revenue from some taxes, it continued to have a motive for interfering in the administration of the provinces. [10]

The reforms of 1919 introduced limited responsible self-government in the provinces. Along with the division of legislative and administrative functions between the centre and provinces a division of financial resources was necessary. The Montford Report proposed an end to the old system. It suggested that provinces be given financial autonomy by allocating certain revenues entirely to provinces, and others entirely to the centre and recommended that divided heads of revenue should be abolished completely. The allocation of taxes suggested in the Report would have left the Centre heavily in deficit and the only way the proposed separation of the revenues of the centre and the provinces could be carried out was by getting the provinces to make contributions to the centre to meet this deficit. A Financial Relations Committee with Lord Meston as chairman was appointed to determine provincial contributions to the centre. It was also to examine a claim made by the province of Bombay to a share in the proceeds of income-tax. The Committee made several recommendations about provincial contributions. It advised against income-tax being made a divisible head of revenue and suggested that the centre and the provinces should have their own distinct and separate heads of revenue.

The devolution rules issued under the Government of India Act, 1919, embodied the suggestions made by the Joint Select Committee of Parliament. Sources of revenue were to be divided into provincial and central; customs and income-tax were the major central source and land revenue the major

[9] Chanda, Federalism in India, pp135-136.

[10] For an excellent clear account of the evolution of centre- provincial financial relations, see Chanda, Federalism in India, Chapter IV. For details of changes over the years see Misra, Administrative History, pp373-391.

provincial source. Provincial contributions to the centre were to be abolished when the financial position of the Government of India permitted. The right of the provinces to revenue from income-tax was recognised, and provinces were to be given a share in any increase in revenue from income-tax. The share given to the provinces was small, 1.5% of any increased yield from income-tax. It is however important because it modified the earlier belief that there should be a complete separation between the revenues of the centre and the revenues of the provinces. Once introduced, income-tax had to be retained in all subsequent financial settlements as a levy in which the provinces were to be participants by right. The Act of 1919 gave the provinces a measure of financial independence. They were given the right to pass measures of taxation on transferred heads of revenue and the right to spend what they chose to on the transferred subjects without obtaining the prior sanction of the Government of India. They also had the power to float loans both in India and abroad on the security of their revenues.

The financial settlements made under the 1919 Act were found to be unsatisfactory over the course of the next few years. Provincial contributions to the centre had been determined on the basis of budgetary assumptions that were incorrect. Expanding sources of revenue had been allotted to the centre while sources of revenue allotted to the provinces were inelastic. At the same time the activities and thus needs of the provinces expanded with the transfer to them of social services such as education, public health and sanitation, while the activities of the central government remained more or less static. Provincial contributions were gradually reduced and finally abolished in 1928-29. The abolition of provincial contributions to the centre gave considerable relief to agricultural provinces such as Madras and UP whose contributions because of the importance of land revenue as a levy had been high (Rs 34.8 and Rs 24 million respectively). [11] It brought only little relief to

[11] Land revenue was 30% of the total revenues of the centre and provinces together and 55% of the revenues of the provinces alone. Its incidence varied from province to province and agricultural provinces were financially better off than other provinces. Therefore their contributions to the central government had been fixed at a high level. See Chanda, Federalism in India, pp139-140.

industrialised provinces such as Bombay and Bengal whose contributions had been low (Rs 5.6 and Rs 6.3 millions respectively), and whose claim to a share in income-tax had not been conceded. The central government on its part was able to make ends meet but it had no resources on which it could fall back on in case of any emergency such as an economic crisis or war. Thus it became clear that the distribution of resources made under the Act of 1919 was unsatisfactory and a new formula would have to be found. Provincial autonomy was meaningless without sufficient financial resources. At the same time it was necessary to ensure the financial stability of the central government. [12]

2.3 Making of the decision on separation of revenues

The brief account above shows that the evolution of financial relations between the centre and the provinces had led to a situation that was unsatisfactory for both. An important issue which needed to be resolved was that of division of revenues between the centre and provinces in a way that would provide both with sufficient finances to enable them to fulfil their responsibilities without dependence on one another.

The issue of centre-provincial financial relations was reviewed along with constitutional reforms for the Government of India which began with the appointment of the Simon Commission in November 1927 and culminated in the passing of the 1935 Act eight years later. [13] The Simon Commission appointed to review the working of the 1919 constitution, in its turn appointed Lord Layton to advise the Commission on the division of resources between the centre and the provinces. Lord Layton supported the idea put forward by the Taxation Inquiry Committee (constituted in 1924) that income-tax should continue to be the balancing factor in any reallocation of resources. He endorsed the formula suggested by the Taxation Inquiry Committee for its distribution and suggested some changes.

[12] For an overview see Vakil and Patel, Finance under Autonomy, pp 1-3.

[13] Coupland, Indian Problem, p97.

The Federal Structures Committee constituted at the (Second) Round Table Conference, appointed a sub-committee (in 1931) under the chairmanship of Lord Peel to examine further the issue of allocation of resources between the centre and the provinces and to make recommendations. This Committee went further than the Statutory Commission and recommended that the entire proceeds of income-tax should be allotted to the provinces, though for the sake of administrative convenience, the tax should continue to be collected by the centre. The centre was to rely on indirect taxes for its finances. The Committee stated that distribution of income-tax (plus any other surplus the centre was able to accumulate from indirect taxes) required a detailed study and appointed an expert committee under Lord Percy to make proposals about its distribution.

Meanwhile, in December 1931, the White Paper on Indian Constitutional Reforms had been published. It made several recommendations on the division of resources between the centre and the provinces. Among them it proposed that income-tax be made a divisible head of revenue but that taxes on agricultural incomes should be allotted wholly to the provinces and that corporation tax should be retained in its entirety by the centre.

The expert committee under Lord Percy felt that transfer of income-tax in its entirety to the provinces would leave the centre dependent on contributions from the provinces. It therefore suggested that the centre retain proceeds from certain heads of income-tax such as that realised from residents in federally administered areas. It made recommendations on the principles on which distribution of the tax should take place between the provinces and suggested that residence would provide a fair basis for distribution and would be compatible with the federal concept.

The Federal Structures Committee of the Third Round Table Conference had available to them the reports of the Peel and Percy committees and the proposals set out in the White Paper, but felt further examination of the subject of financial allocations was necessary. It appointed a committee with Lord Peel again as chairman for this purpose. Lord Peel revised his earlier recommendation that the entire proceeds of income-tax be allotted to the provinces. He suggested, as had the White Paper and the Percy Committee that the centre retain proceeds of certain specified sub-heads

of the tax such as corporation tax and that the remaining proceeds should go to the provinces. The centre was also to retain some of the provincial share of income-tax till such time as it had developed new sources of revenue.

Finally the question of allocation of resources was examined yet again by the Joint Select Committee which was in favour of the proposals made in the White Paper rather than those made by the other committees.

Thus along with deliberations and negotiations for a new political constitution for the country that resulted in the 1935 Act, which envisaged a new federal structure with autonomous provinces, attempts were made to bring about a clear division in the finances of the provinces and those of the centre. This was necessary as finance and politics are closely related and provincial autonomy would not be meaningful without financial autonomy. While separation of expenditure between the centre and provinces caused little problems, division of revenues between the two was a knotty problem to which there was no easy solution.

The above account of the making of the decision on separation of central and provincial finances shows that the time taken over the making of the decision had been very long. After the financial arrangements made under the 1919 Act had been found to be unsatisfactory, the question of centre-provincial finances had been examined and re-examined by committees and experts appointed for the task. There was common acknowledgement that while ideally, along with division of legislative and administrative functions, there should also be a clear division in the finances of the provinces and those of the centre, this was not feasible. There was some agreement that income-tax would have to be used as a balancing factor. The differences in the recommendations of the various committees were on the share to be allotted to the provinces and on the basis of its distribution among them. Despite the length of the time taken over the decision, however, the decision had involved little or no controversy. The discussions were restricted to committees and experts with each committee putting forward proposals which were then re-examined and modified or changed by the next one. There was no involvement in the discussions by interested parties or by members of the public. The lack of

controversy during the making of the decision meant that there was no controversy to be carried through during implementation.

2.4 Financial Provisions under the 1935 Act

The 1935 Act embodied the federal concept and went further than the 1919 Act (which gave the provinces limited autonomy) by giving the provinces greater autonomy in the proposed federation. Complete separation of the finances of the centre and the provinces was thus necessary but proved difficult in execution. The difficulty was caused by revenues which, as has been shown, proved difficult to separate [14].

In the matter of expenditure, provinces were given complete freedom, the only restriction being that expenditure was not to exceed the resources that could be raised by taxation and borrowing (provinces had the right to borrow freely on the security of their revenues). Certain items of expenditure such as salaries of the Governor and judges, debt charges and items which touched on the Governors' special responsibilities were to be a first charge on the revenues of a province and provinces were to have no control over them. Provincial legislatures were permitted to discuss these items but could not vote on them.

The central and provincial balances were separated. Each province was to maintain its own separate account with the Reserve Bank of India (established under an Act of the Central Legislature of 1934 which began functioning from 1 April 1935). In the event of a temporary deficiency, the provinces had to borrow from the market or obtain ways and means advances from the Reserve Bank.

In the assignment of revenues the Act tried to improve the financial position of the provinces and at the same time secure the financial stability and credit of the centre. The Act assigned to the Centre, taxes on income other than agricultural income, corporation tax, salt duties,

[14] See Government of India Act, 1935, Part VII, and Seventh Schedule, Federal and Provincial Legislative Lists, for financial provisions under the Act.

export duties with the exception of duty on jute export, surcharge on income-tax, and surcharges on the taxes and duties levied and collected by the centre but allotted to the provinces (e.g. duties on succession, stamp duties). In addition the centre could at its discretion, retain for its use, a fixed percentage of income-tax assigned to the provinces.

The revenues of the provinces were taxes levied by the provinces, of which land revenue and excise duties on alcohol were the principal ones; imposts such as estate duty and taxes on railway fares and freights; taxes assigned to the provinces; and a share in the proceeds of export duty on jute and of income-tax. In addition there was provision for grants-in-aid from the Centre. [15]

Thus the 1935 Act incorporated the common view that had emerged from the various committees that had examined centre-provincial financial relations that no clear-cut division of resources was possible without affecting the financial viability of either the centre or of the provinces. Some financial interdependence was inevitable. Revenue from income-tax and from export duty on jute and jute goods was to be shared, and in addition, the centre was to make discretionary grants-in-aid to provinces which needed financial assistance. In the case of jute export duty the Act provided that a minimum of one half of the proceeds should be assigned to the provinces growing jute, and it was to be distributed among the jute growing provinces, in the ratio of quantity of jute grown in each, to the total quantity grown. The basis on which income-tax was to be distributed was to be determined initially by an Order-in-Council. Subsequent distributions were to be made by the federal legislature after it had been established.

Thus the Act retained interdependence between the revenues of the centre and the provinces, but kept this to a minimum. It restricted shared taxes to two: export duty on jute and jute goods, and income-tax, and had provision for grants from the centre to the provinces where necessary. Some principles for the distribution of jute export duty were incorporated

[15] For a summary of financial provisions under the 1935 Act, see Misra, Administrative History, pp390-391; Chanda, Federalism in India, pp150-156.

in the Act but the details were left to be worked out later. The share of the provinces in the proceeds of income-tax was a problem that had occupied many committees and experts and the Act did not specify the provinces' share. This was left to be determined later, as was the amount to be received by the provinces as grants-in-aid. These financial provisions were not determined by the Act but details of these were left to be worked out later. They were to be made effective by the issue of an Order-in-Council.

The federal provisions of the 1935 Act could only come into effect when a specified number of princes had acceded to the federation, but there were no such reservations on the other provisions of the Act. Provincial autonomy was to be inaugurated by 1 April 1937. This meant that the financial provisions had to be made effective by the issue of the relevant Orders-in-Council where so provided before this date.

The 1935 Act had a unitary bias in that the autonomy granted to the provinces was checked by central control. In the distribution of resources too, the balance was tilted in favour of the Centre. Though there was concurrent jurisdiction over certain matters, this did not extend to financial matters. Income-tax was a shared revenue, but there was no overlap of taxing powers. It was the Centre which was to levy and collect the tax, retain its share and distribute the rest among the provinces in accordance with an Order-in-Council. [16] The position of the centre vis-a-vis the provinces was further strengthened during implementation as the account below shows.

2.5 Implementation

Thus after long deliberations stretching over many years, a decision had been reached on provisions that would give the provinces financial autonomy. Some important details were not laid down in the Act but were left to be worked out later. These related mainly to distribution of income-tax, a problem which many committees and experts had grappled with

[16] Chanda, Federalism in India, p230.

over the years, distribution of export duty on jute, and determination of grants-in-aid to be made by the centre to the provinces. As stated earlier, the papers of the then Finance Member of the Viceroy's Executive Council, Sir P.J. Grigg [17] provide an inside view into the implementation of this decision. The papers clearly reveal that the Finance Department was able to exercise considerable influence on the way the decision was implemented.

Aware of the financial provisions to be incorporated in the 1935 Act, that details of shared taxes would be decided by an Order-in-Council, and that a committee would be appointed to make recommendations, the Finance Member decided to take the initiative and began to act before the Act had become law. He suggested to the Secretary of State for India that the financial inquiry precedent to provincial autonomy should be conducted by a single expert and that that expert should be Sir Otto Niemeyer, then with the Bank of England. [18] When in June 1935, Sir Otto Niemeyer wrote to his friend, the Finance Member of the Viceroy's Executive Council, saying he would be coming to India for a few days after Christmas, as his daughter was to get married in Lahore, Grigg replied that he was delighted that Niemeyer was coming to India and that "I have been trying to persuade the India Office to plant a certain job out here on you". [19]

The Secretary of State accepted the suggestions made by Grigg. Sir Otto Niemeyer, he agreed, would be appointed to conduct the inquiry on condition that there were no objections from the provinces. [20] The provinces raised no objections, so Sir Otto Niemeyer was appointed to make recommendations on the assignment of revenues and he accepted the commission. Thus a single expert was put in charge of implementation. He was to advise on the percentage of shared taxes to be assigned to the provinces and also on the principles on which these should be distributed between the provinces, and to make recommendations on grants from the

[17] Papers of Sir Percy James Grigg (1890-1964), Archives Centre, Churchill College, Cambridge. Hereafter referred to as PJGG.

[18] PJGG Evidence in a later letter from Grigg to Erskine and Brabourne, dated 29 July 1935.

[19] PJGG Letter from Grigg to Niemeyer dated 19 June 1935.

[20] PJGG Telegram from Secretary of State to Viceroy(Finance Department) dated 26 July 1935.

centre to the provinces. The Niemeyer Report was accepted in its entirety and embodied in the Government of India (Distribution of Revenues) Order 1936. Thus a study of how the report came to be written is necessary for us to understand how the decision was implemented.

The time available for implementation was fairly short. The existing plan was to introduce provincial autonomy early in 1937. This meant that the necessary Orders-in-Council would have to be passed through Parliament in the summer of 1936. This in turn meant that the report of the financial inquiry would have to be published before mid-1936, and thus the inquiry would have to be held in the winter of 1935-1936. Any postponement would lead to a delay in introducing the provincial constitutions. Sir Otto Niemeyer, who was to conduct the inquiry and who was to visit India anyway that winter for personal reasons, could leave for India only after Christmas 1935. He had to return to England by March of the following year and thus he expected to have only two months actually in India to study the problem at first-hand. As much material as possible was, therefore, to be sent to him for study in England before he left for India. While in India, he was to have consultations with members of the Finance Department at the centre, and with the financial authorities of each province. On his return, he was to write a report incorporating his recommendations about shared revenues and grants-in-aid. The Finance Department and the provinces could send material to him before he came to India, and put their cases to him in the few months he was to spend there. Thus the time available for them to put their cases to the inquiry was both fairly short and well-specified. Since there had been no involvement of interested parties at the time the decision was made, it was expected that there would be none at this later stage. "We are of course assuming that enquiry will necessitate consultations with Central and Provincial Governments and that no question of evidence from public will arise." [21]

While still in England, Niemeyer had access to the large amount of material that already existed regarding centre-provincial financial relations, which has been briefly summarised earlier. Writing to Grigg

[21] PJGG Telegram from Secretary of State for India to Viceroy (Finance Department), dated 26 July 1935.

that he had accepted the commission, Niemeyer added, "I have been looking at a number of India Office documents, from which it appears that a large number of people in the past have pawed the air on the subject". [22]

Niemeyer also received information from the various provinces. In his report, while listing the sources from which he was given information, he thanks the provinces for the detailed memoranda sent by them on their respective financial positions. [23] Lastly, Niemeyer was sent material which would be relevant to his inquiry, by the Finance Department.

Thus implementation involved the single financial expert who was to conduct the inquiry, the bureaucracy dealing with finance at the centre and the financial authorities in the provinces. They were asked to send information to Niemeyer while he was in England and were to be consulted by him when he visited India. It was as a matter of course that these bureaucracies became involved in the implementation of a decision involving financial matters. Also involved was the India Office. However a study of the Grigg papers shows that manouvering by the Finance Department effectively excluded both the India Office and the provinces from the actual process of implementation. Thus the number of actors actually involved in implementation were very small, as the account below shows. The recommendations made by Niemeyer and incorporated in his report, were arrived at as a result of correspondence between Niemeyer and Grigg, much of it marked Personal and Private. Through this correspondence, Grigg and Niemeyer reached a consensus on some of the major issues before Niemeyer arrived in India. From this correspondence the provinces were of course excluded, while the India Office was almost completely ignored.

Just how few people were actually involved in implementation is revealed when Grigg apologised to Niemeyer for being unprepared for the enquiry. The Government of India, was, he wrote, run on a very narrow margin of staff. "Nobody has done anything about the problem of separation before and even now there are only Nixon and one other effectively working on

[22] PJGG Letter from Niemeyer to Grigg dated 9 August 1935.

[23] Indian Financial Inquiry Report, Cmd 5163, 1936. Also referred to as the Niemeyer Report.

it." [24] Thus the recommendations in the report reflect a consensus arrived at between a handful of people, Niemeyer, Grigg, Nixon (Secretary to the Finance Department), and 'one other'. Because of the non-involvement of any interest groups or parties, the implementation process was restricted to the bureaucracies concerned. Manouvering by the Finance Department ensured that the final recommendations were more favourable towards the centre than towards the provinces.

The Finance Department began to act to get the decision implemented in a way advantageous to itself even before the appointment of a committee. The Finance Member, it has been shown, was responsible for Sir Otto Niemeyer being appointed as a one-man committee to conduct the inquiry. Their correspondence reveals that Grigg and Niemeyer were friends and the latter could therefore be expected to take note of suggestions or advice put to him by the former.

Next, the Finance Department did more than send material regarding financial statistics for Niemeyer to study before he came out to India. The Department sent Niemeyer a plan for provincial autonomy which the centre felt should be put into action. This plan is set out in a D.O. from the Finance Department dated 5 September 1935. [25] The D.O. outlined a plan for financial autonomy of the provinces and gave the views of the Finance Department on the best way to achieve this. The proposals made in the D.O. are briefly summarised below. They are important, for much of the correspondence between Niemeyer and Grigg revolves round this D.O. Niemeyer showed a willingness to accept the proposals, but recognised the need to reconcile them with the demands put to him by the various provinces, with each province trying to get the maximum of resources for itself. The influence of the D.O. is clearly to be seen in the Niemeyer Report. Niemeyer was appointed to determine the provinces share of income-tax and jute export duty and to determine the amounts of grants-in-aid from the centre to the provinces. The D.O. raised another issue that needed a satisfactory resolution, as the summary of the proposals given below

[24] PJGG Letter from Grigg to Niemeyer dated 6 December 1935.

[25] PJGG D.O. no D/302 dated Simla 5 September 1935, addressed to Baxter (at the India Office) and signed J C Nixon.

shows.

2.6 Summary of proposals contained in D.O. sent by the Finance Department.

Recent figures, based on the budget figures for 1935-36, showed that at the start of the new constitution, some provinces like Madras, Bombay and Punjab would have considerable surpluses, some, such as the United Provinces and Bihar would have small deficits, and some, particularly Bengal and Assam would have intolerable deficits. If provincial autonomy was to stand any chance of success at all, the deficits needed to be rectified.

The problem of deficit provinces arose because of the Montford proposals by which provinces were to get control over uniform heads of expenditure and revenue, thus offering them all equal opportunities. It led instead to inequalities. For example, land revenue was much greater in Bombay and Madras (where it had proved an elastic source of revenue), revenue from stamps was greater in the industrial places than in the non-industrial ones. If one province had natural advantages over another, it might seem right for it to profit by these advantages. The provinces were however to remain part of a single political entity so that there was a need to establish some measure of equality between them - "the principle of robbing Peter to pay Paul can justifiably be applied as between the provinces". [26]

The problem was that no natural method of distributing income-tax could be found which would help to eliminate the problem of recurring deficits and achieve some parity between the provinces. The proposal which at that time 'held the field' was to distribute income-tax according to the personal incomes of the residents in each province. Any such scheme would give surplus provinces such as Madras and Bombay large amounts of resources and would fail to adjust the case of the deficit provinces. Such a scheme would, in addition, cost the centre more than the immediate necessities of the case demanded.

[26] PJGG D.O. no D/302, p3.

The Finance Department proposed that the process of adjusting finances between the centre and the provinces be undertaken in two separate stages:

Stage I: Initial adjustments so that with the least strain on the finances of the centre, all provinces would start provincial autonomy in a solvent condition.

Stage II: Subsequent adjustments.

The D.O. was concerned mainly with Stage I. It suggested a series of expedients which purported to give identical concessions to all the provinces, but managed to deal nevertheless with the problem of surplus and deficit provinces.

Expedient I: To relieve all provincial governments of the outstanding burden of debt incurred in the past in order to meet revenue deficits which they would otherwise be carrying upon the institution of provincial autonomy. [Memorandum I gives figures of overdrawn accounts with the centre by provincial governments. Total overdrafts = Rs 1011.50 lakhs] [27]

Expedient II: To relieve all provincial governments of a certain portion of their pre-Reform irrigation debt. This proposal was specially desirable as it would ameliorate what the provinces had regarded as an injustice in the past. [Total amount of debt for which the centre would assume responsibility = Rs 1914.03 lakhs]

Expedient III: To assign to the provinces concerned a further fraction of jute export duty [under Section 140(2) of the Act]. The provinces affected would be Assam, Bengal, Bihar and Orissa.

The annual relief to provincial budgets from these three expedients would be: interest payments on overdrafts + interest payments on irrigation debt + increased revenue from jute export duty = Rs 190 lakhs (2 crores approximately). [28]

[27] 1 lakh = 100,000.

[28] 1 crore = 10,000,000.

The Centre would take over from the provinces a block of debt:

Overdrafts	1011.50 lakhs
Irrigation	1914.03 lakhs

and suffer a worsening of its budgetary position by 190 lakhs. Estimated total annual cost to the Centre, adding to the above 2 crores other estimated budgetary deterioration, would be Rs 5 crores.

Expedient IV: This was an inevitable consequence of provincial autonomy and was probably not within the jurisdiction of the Financial Enquiry. Under provincial autonomy, each provincial government would own its own cash, deal independently with the Reserve Bank and undertake its own local banking functions. All the debt and deposit heads would be decentralised. [In the past the Centre had done all the banking business for the whole of India.]

In addition it was proposed to seek to consolidate all the balances of outstanding pre-autonomy debts of each provincial government and make all of them repayable in equated instalments over 35-40 years.

In conclusion the D.O. stated, "we should most strongly press upon the Financial Enquiry the view that the measures of initial relief proposed in the foregoing paragraphs should, if accepted in some form as this, be taken into account in determining the proportion of Income Tax to be eventually relinquished by the Centre in favour of the provinces". [29]

2.7 Correspondence regarding Finance Department proposals.

Correspondence between Niemeyer and Grigg, as stated earlier, revolved round these proposals. Niemeyer did agree on certain points or wanted clarification on others and replies from the Finance Department deal with the queries raised by him. One thing however became clear at the outset, Niemeyer would not be able to include the Finance Department's proposals in his report under the existing terms of reference. These followed directly from the decision and were:

[29] PJGG D.O. no D/302, p7.

"To make recommendations to His Majesty's Government, after reviewing the present and prospective budgetary positions of the Government of India, and of the Governments of the Provinces, on the matters which under Sections 138(1) and (2), 140(2) and 142 of the Government of India Act, 1935, have to be prescribed or determined by his Majesty in Council (subject to the approval of both Houses of Parliament) and any ancillary matters arising out of the financial adjustments between the Government of India and the Provincial Governments regarding which His Majesty's Government may desire a report." [30]

The decision on centre-provinces financial relations had left important details to be worked out later. These details were specified so that the terms of reference of the Niemeyer Inquiry were equally clear and specific about matters on which he was to make recommendations. When Niemeyer found that the proposals of the Finance Department could not be put into effect under the existing terms of reference, he asked for the terms of reference to be changed. It would not be incorrect to say that this involved an amendment of the original decision.

"I have told the India Office that as the last paragraph of their Terms of Reference precludes me, in the absence of a request from H.M.G., from dealing with anything except the the specific questions which have to be prescribed under the Act, they must see that I receive such a request so that I can deal with 'ancillary' subjects. This is clearly all the more necessary in the light of your proposals. But I have urged them not to put their request in the form of specific headings, but to give me a purely general formula such as 'to make recommendations on ancillary subjects' pure and simple. The India Office seem to be a little afraid that given such a formula you would endeavour to draw me into a number of subjects not very closely connected with the present Enquiry, but I have assured them that I can look after myself on this,..... On the other hand I told them I should dislike exceedingly being limited in a way which might prove in fact embarrassing. I think they are going to evolve a formula which will probably be quite general." [31]

[30] Indian Financial Inquiry Report, p3.

[31] PJGG Letter from Niemeyer to Grigg dated 23 October 1935.

The terms of reference were duly amended. Instead of being restricted to making recommendations about the division of income-tax revenues, jute export duty and allocation of grants-in-aid, Niemeyer was to make recommendations on other financial matters 'as you think fit'. The India Office had expressed some reservations, aware that the Finance Department would be closely involved in implementation and wary of giving it too much leeway in this matter. The terms of reference were however readily changed. [32]

The Finance Member had been responsible for Niemeyer, a friend, being appointed to conduct the financial inquiry. To further ensure that implementation would take place so as to further the interests of the centre and not those of the provinces, Grigg wanted to have someone from the Finance Department present whenever Niemeyer met representatives of the provinces. He sought to have Niemeyer bound formally to have J.C. Nixon (Secretary to the Finance Department), present at meetings with spokesmen from the provinces, for Grigg was aware that each province would try and get the maximum benefits for itself and these would be at the expense of the centre. The Secretary of State did not think he could so bind Niemeyer. Niemeyer was to have a free hand in determining how the Enquiry was to be conducted and would be free to have Nixon present at such meetings. It could be suggested to Niemeyer that he might find it advantageous to do so, but having Nixon formally present was not possible. [33]

Niemeyer too was opposed to the idea of having Nixon formally attached to him. He reassured Grigg that he would consult fully with the Centre - "....you need not fear that I shan't consult the Central Govt (sic) at least as much as is good for them: but I am sure it would put matters wrong from the beginning to attach formally to me so high an official as Nixon. That I can't have - he's for the plaintiff or is it the defendant - not on the bench (though possibly unbeknown in the judge's private room)". [34]

[32] For change in terms of reference, see Indian Financial Inquiry Report, p3.

[33] PJGG Telegram from Wakeley (at the India Office) to Grigg dated 9 September 1935.

[34] PJGG Letter from Niemeyer to Grigg dated 30 September 1935.

Though Niemeyer would be landing in Bombay, he did not intend to stay there, but planned to go straight to Delhi as he considered it essential that he see Grigg before he had any discussions with any of the provinces. He would probably have to visit Bombay later as part of his inquiry, also Calcutta and of course Punjab where he was going anyway, but the others would have to come to Delhi. He himself preferred to see the representatives of the provinces in Delhi where he could, privately, be in touch with Grigg. [35] As to what he expected from the provinces, he wrote, - "No formal evidence. They can come and talk and I can summarise for myself so much of their remarks as I need. No outside bodies - I think - and certainly no general public." [36]

The lack of involvement of the public in the making of this decision led both the India Office and Niemeyer to expect that they would not be involved in implementation either.

The proposals for provincial finance as set out in the Finance Department's D.O. had been sent to Niemeyer and to the India Office. The response from the India Office infuriated Grigg who found it "completely unconstructive and highly theoretical claptrap". He wrote to Niemeyer "Quite honestly if you show any serious disposition to be taken in by this sort of stuff, I think I shall chuck my hand in." [37] However Niemeyer's reply reassured him - "your letter of the 23rd shewing your usual determination to take practical rather than metaphysical views was a great comfort". [38]

The India Office's views on implementation were thus ignored. The provinces were not a party to this correspondence between Niemeyer and Grigg, and the public was to play little or no part. Some of the main points discussed in the correspondence are noted below. Their influence is to be seen in the final report of the Enquiry.

[35] PJGG Letter from Niemeyer to Grigg dated 13 November 1935.

[36] PJGG Letter from Niemeyer to Grigg dated 30 September 1935.

[37] PJGG letter from Grigg to Niemeyer dated 28 October 1935.

[38] PJGG Letter from Grigg to Niemeyer dated 11 November 1935.

After studying the proposals put to him by the Finance Department, Niemeyer sent back his comments.

Firstly, he was personally in favour of adjustment via debt revision though the India Office seemed against it.

Secondly, while Grigg argued that whatever was done then (about debt revision) should be taken into account in fixing the percentage of income-tax to be allotted to the provinces, the provinces could claim that by this method, a permanent percentage was reduced by the centre giving up a counter claim which in the natural course of events would have been paid off in 20-30 years. Also since Grigg was prepared to give up 5-8 crores to the provinces, what was he to say if they said they preferred this as a percentage of income-tax?

He was of the view that the irrigation debt proposal would give a lot of money to provinces which did not need it, such as Madras. He could suggest that remission should be given only to the necessitous provinces.

Another source of concern was the standard of administration in the provinces. He felt it was impossible and also unnecessary to aim at bringing the standard of administration in the various provinces into rough conformity.

His approach would be based on 3 principles:- 1) That the financial stability of the centre, whose responsibilities are over-riding and indeed a condition of there being any provincial existence at all, must not be jeopardised 2) that every province must be placed in a position of financial equilibrium while preserving its existing standard of administration 3) that any resources available after satisfying 1) and 2) should pass over to the provinces, but this must depend absolutely on 1) being satisfied. [39]

In his reply, Grigg clarified that he was not proposing to give up 5-8 crores, but only 2 crores. The main problem that needed to be solved boiled down to this. The standard of administration was highest (or any rate the

[39] PJGG Letter from Niemeyer to Grigg dated 23 October 1935.

most costly) in Bombay. The separation of Sind was liable to place Bombay in an even more advantageous position. Any process of distributing income-tax by origin would give Bombay the lion's share. The problem was how this could be prevented. [40]

In a letter dated 19 November 1935, Niemeyer reiterated some of the points made by him earlier. He admitted that the Finance Department's scheme was cheap, but what were they going to say if the provinces said they would rather have the same amount in income-tax. The Irrigation Debt scheme could be discussed further, but he did not see why money should be given to Madras, Bombay and Punjab. On the differing levels of administration in the provinces, he wrote:

"What strikes me very much in all this correspondence is the curious desire of the Central Government Finance Department to attempt to equalise up the administration in the various Provinces. I should have thought this was a pure will o'the wisp; and that not primarily for financial reasons but for much deeper causes the scale of administrative needs and even desires in the various Provinces must very substantially differ; and indeed ought to. I shall require a good deal of convincing that this is not so, and I do not understand why you people appear to feel so strongly in the other direction. I do not believe at all that the inequality is due to Meston Settlement etc.: I think it runs much deeper, and I rather regret that you have asked the provinces what their Budgets would be if they all lived on the scale of Bombay." [41]

Later, he requested the Finance Department to take the figures for the last available year and to work out approximately the figures that would result if the Percy scheme of distribution [42] of income-tax was followed.

Grigg's replies dealt with some of the issues raised, specially the question of income-tax.

[40] PJGG Letter from Niemeyer to Grigg dated 11 November 1935.

[41] PJGG Letter from Niemeyer to Grigg dated 19 November 1935.

[42] See page 75 above.

They were just getting (for the first time) an estimate of the financial effect of the decentralisation of balances, and were getting too, the results of the proposed consolidation of pre-autonomy debt. The main problem in connection with decentralisation of balances was to decide what particular bits of debt should be written off against the realised balances. This was important as any decision on this would affect both the debt consolidation scheme and the Finance Department's scheme as set out in the D.O. no D302.

He clarified the position about the preferability of an empirical scheme for Stage I over an immediate distribution of income-tax. An immediate distribution of income-tax would have to be larger than the centre could afford (at that time) if it was to cope with the position of the United Provinces, Bihar and Orissa and the Central Provinces. Bengal and Assam would have to be dealt with by jute or by direct subvention. And if enough income-tax was given to UP, B & O and CP, more than enough would have to be given to Bombay and Madras. By using a factor such as population for distribution, Bombay's portion could be reduced but not that of Madras.

The initial needs of the provinces were about Rs 2 crores approximately, which was the sum of their recurring deficits. Of this Bengal and Assam accounted for Rs 70 lakhs and Rs 50 lakhs respectively and these would have to be dealt with by jute duty or subvention. This left well under a crore for the rest, 'decrepit and prosperous alike'. It was not possible to deal adequately with the decrepit among the provinces by way of income-tax without giving too much to Bombay and Madras.

"Our business is much rather to show how much (or how little) Income Tax we can give up. The problem of distributing it is not really our pigeon though we have been trying to provide you with something besides the shouts of individual provinces in order to help in reaching a solution." [43]

Grigg stressed his views on income-tax "at the risk of being accused of suborning the judiciary". If the Percy scheme of distribution of income-

[43] PJGG Letter from Grigg to Niemeyer dated 6 December 1935.

tax was followed, Bombay and Madras would get too much though they were already the two most prosperous provinces. In fact no scheme of distribution could be found that would not give too much to these two provinces.

"The moral I draw from this is that you must do more on Stage I by way of some empirical scheme for debt adjustment and reduce by as much as you decently can the allocation of Income-Tax under Stage II." [44]

Niemeyer reassured the Finance Member that in allotting revenues between the centre and the provinces he was on the side of the centre. He accepted the points put to him by the Finance Department, but needed arguments to support them.

"As you know my only object in undertaking this dreary task is to help you; and what I am trying to do is to get you to provide me with arguments for that purpose, to meet the obvious arguments which will be brought against us." [45]

He accepted the arguments that central annual expenditure could not reasonably be expected to fall and that the centre could not at that time afford to give away much money, but he needed to be able to demonstrate them somehow. He accepted too, that the centre could not afford to give up any income-tax and that they would have to make shift temporarily with other devices. But he would have to be prepared if "the victims" said they would prefer to have the equivalent of the other devices in a first instalment of income-tax. He had, of course, under the terms of reference, to make recommendations about the distribution of income-tax as and when there was anything to distribute.

[44] PJGG Letter from Grigg to Niemeyer dated 11 December 1935.

[45] PJGG Letter from Niemeyer to Grigg dated 18 December 1935.

2.8 The Niemeyer Report

In the light of the above correspondence it is not surprising to find that the Niemeyer Report [46] incorporated some of the proposals put forward by the Finance Department. This left the centre in a strong position vis-a-vis the provinces. The proposals of the Finance Department had concerned initial adjustments to be made at the start of provincial autonomy - specially those necessary to reduce the debt liabilities of the provinces. The Terms of Reference had been expanded to allow Niemeyer to deal with this problem. He had also to make recommendations that concerned the subsequent period and these dealt chiefly with the distribution of income-tax.

The general considerations on which the report was based were several. At the start of provincial autonomy, each of the provinces should be in a position of financial equilibrium so it was necessary that the chronic state of deficit of some provinces should be brought to an end. This would meet the immediate needs of the provinces but it was also necessary to evolve a scheme that would also meet their future needs. At the same time it was necessary, above all, to maintain the financial stability of the Centre. Thus it was necessary, in determining the amounts of assistance to be given to the provinces to consider how far the Central Government was in a position to render such assistance without jeopardising its own solvency.

While Niemeyer had expressed the view in his letters that it was not necessary to try and equalise the levels of administration in the provinces, he was convinced of its necessity by the time the report was written: "it is equally clear that some Provinces are intrinsically better off than others and at the moment less urgently in need of additional resources; and it is both fair and inevitable that a certain measure of correction should be applied, even if it means that provinces which have been able to attain higher standards of administration should now to some slight extent have to progress more slowly." [47]

[46] Indian Financial Inquiry Report, Cmd 5163, 1936.

[47] ibid, page 7.

He accepted budgetary needs as a broad criterion. After examining the budgets of all the provinces and the special circumstances and needs of some of them, he recommended assistance to the provinces (excluding Bombay, Madras and Punjab) totalling Rs 450 lakhs. Of this Rs 258 lakhs was already provided for in the budget of the Government of India as subventions to NWFP, Orissa, and Sind. Thus the cost to the Centre of the assistance recommended to the provinces would be equal to Rs 450 - 258 = Rs 192 lakhs. This was the figure the Finance Department had indicated it was prepared to give up.

As for the form in which this assistance was to be given, he made the following recommendations:

1. That all the outstanding debts of the provinces of Bengal, Bihar, Assam, the NWFP and Orissa should be cancelled and that the debt of the Central Province should be substantially reduced.

"Where financial assistance is to be given by a creditor to an existing debtor, elementary common sense suggests that the shortest and simplest method of adjustment is by reducing the claim of the creditor on the debtor." [48]

The Finance Department had suggested debt cancellation as a method of placing the provinces on an even keel.

2. That the share of provinces of the export duty on jute and jute goods be raised from 50 to 62.5% of the net proceeds of the duty. This benefited the jute growing provinces of Assam, Bengal, Bihar and Orissa. Again, the Finance Department had suggested that the cases of Assam and Bengal could be dealt with by adjusting their shares of jute export duty.

3. That annual grants-in-aid be made for a limited period to the United Provinces, Assam, NWFP, Sind and Orissa. The amounts to be made in grants were specified.

[48] ibid, page 13.

4. The final set of recommendations concerned income-tax. On the question of income-tax, the position of the Finance Department had been that it could not afford to give up any income-tax immediately and that the other forms of assistance given to the provinces should be kept in mind while determining the provinces share in the proceeds of income-tax revenue. Niemeyer's recommendations were generous towards the centre.

The report recommended that the maximum practicable distribution of the yield of income-tax should be made at the outset, but that the maximum that could be distributed, given the need of the centre, was 50%. Thus the minimum mentioned in the White Paper was adopted as the maximum possible. This 50% would amount to about Rs 6 crores.

However - "It is clear that in the years immediately following the introduction of Provincial Autonomy there can be no question of the Centre's relinquishing a further six crores or so of its resources."

The report therefore recommended that the centre should retain for a period of 5 years, a part of the provincial share of income-tax. This part was to be equivalent to the amount by which the central share plus the annual contribution made by the railways to central revenues would fall short of Rs 13 crores a year. At the end of the 5 years, this amount was to be gradually returned to the provinces over a further period of 5 years. If necessary, this second period could be extended if the circumstances so required, for the Governor-General could then use his delaying powers under Section 138 (2) (b) (ii).

Finally, as regards distribution of income-tax between the provinces, the report considered previous discussions of the subject irrelevant since they had related to a different constitutional and financial scheme from that outlined in the 1935 Act. Several principles could be adopted as bases for distribution - collection, residence, and incidence. Each province advocated that basis for division which gave it the largest dividend. None of the above criteria had any particular scientific validity, and the report rejected them all. The report based its recommendations on other considerations - that in a federation, the constituent units, should be made as far as possible viable. The yield of

common taxes levied by the provinces, varied from one province to another and created budgetary imbalances in some. Federal assistance should aim to remove this imbalance as far as possible. The report recommended that the percentage of income-tax to be assigned to the provinces should be calculated partly on residence and partly on population. The latter, though an unscientific and unusual basis for adoption as a basis for distribution, could be said to reflect needs, and in a federation, central assistance should be based on needs. Lastly, for administrative reasons, it was convenient to base the distribution, not on figures to be ascertained each year, but on fixed percentages. These were as follows:

Table 1: Niemeyer Scheme for distribution of income-tax

Madras	15
Bombay	20
Bengal	20
United Provinces	15
Punjab	8
Bihar	10
Central Provinces	5
Assam	2
North West Frontier Province	1
Orissa	2
Sind	2
	<hr/>
Total	100
	<hr/>

The brief outline of the main points of the Niemeyer Report shows that it incorporated many of the proposals put forward by the Finance Department. In a letter to the Finance Member, sent after the report was published, Niemeyer wrote - "I think on the whole you got as much out of this affair as you could very well hope to do". [49] There was however, little reaction to the report from outside the bureaucracies - "the English papers, as you will have seen, took it quite calmly (being of course no longer interested in India at all and knowing very little about it)". [50]

[49] PJGG Letter from Niemeyer to Grigg dated 2 June 1936.

[50] PJGG Letter from Niemeyer to Grigg dated 15 May 1936.

The decision on separation of finances of the centre and the provinces had placed the centre in a strong position vis-a-vis the provinces. Implementation of the decision and the part played in it by the centre, strengthened further the financial position of the centre. The payment of the necessary amounts of income-tax to the provinces was made dependent on the solvency of the centre. The centre was not receiving any contributions from the Railways due to continued deficits in the Railway Budget. The Report recommended that in the initial 5 year period the centre was to retain the whole or part of the share of the Provinces as was necessary to bring the proceeds of the share accruing to the centre plus the Railway contribution to Rs 13 crores, and this was to be gradually reduced over the next 5 year period. [51] This did lead to complaints from the provinces, whose demands for a share in the proceeds of income-tax stretched back over a number of years, but they were in no position to resist. The Niemeyer Report was accepted in its entirety and embodied in the Government of India (Distribution of Revenues) Order, 1936. The recommendations made in the report became binding on the centre and the provinces. Thus with the passing of the necessary order, implementation of the decision on the separation of finances between the centre and the provinces was completed.

Finally, the importance, both of the decision examined above and its implementation for future centre-state [52] financial relations should be noted. Centre-state financial relations in the first decade after independence show the influence of both, the financial provisions of the 1935 Act and of their implementation.

2.9 Centre-State Financial Relations after Independence

The constitution of independent India retained the financial provisions of the 1935 Act, and the same broad division of revenues set out in the Act was continued. This gave the centre the elastic sources of revenue such as customs and excise and also larger resources than it

[51] Vakil and Patel, Finance under Autonomy, pp5-6.

[52] All the units in independent India were designated as states.

needed, so that the states remained financially dependent on the centre. This financial dependence was in line with the political dependence of the states on the Union as laid down in the constitution. Since the more flexible sources of revenue were allotted to the centre, the constitution made provisions for grants-in-aid to the states and for their obligatory participation in the net proceeds from income-tax. They could also be allotted a share in some excise duties. The Constitution followed the precedent set by the Government of India Act, 1935, in that both grants-in-aid and the share of the states in income-tax and the basis on which it was to be distributed among them were to be determined by an Order of the President. The President was to take into consideration the recommendations of a Finance Commission appointed for this purpose before issuing the necessary orders. The constitution provided for the setting up of a Finance Commission, a body independent of the government, every five years, to determine both, grants from the centre, and the share of states in specified taxes. The principles on which grants-in-aid were to be made, the states' share of income-tax and the principles on which it was to be divided among the states as laid down by Niemeyer were closely followed both in the interim arrangements made just after independence and in the reports of the first two Finance Commissions. [53]

2.10 Conclusion

In the present chapter, implementation of the decision on the separation of revenues between the centre and the provinces has been examined. It was necessary in analysing implementation, to begin with the process by which the decision was made, to find out if the time taken over the decision was short or long and whether there was controversy over the making of the decision. The financial provisions under the 1935 Act represent the decision that was to be implemented. The actors involved in implementation were identified and an account of how the decision was implemented has been given. The extent to which the evidence from this case study supports the model and propositions is examined later in the concluding chapter. These issues will be examined after analysis of the

[53] Chanda, Federalism in India, pp156-163 and pp188-215.

next two case-studies of implementation.

Chapter 3

Provincial Autonomy

3.1 Introduction

The decision to grant the provinces of British India autonomy and fully responsible governments by abolishing dyarchy, was one of the major decisions incorporated in the 1935 Act. The background to this decision, in particular the granting of a measure of autonomy to the provinces through the system of dyarchy under the Government of India Act, 1919, has been briefly sketched at the end of Chapter 1. In studying implementation of this decision it is necessary, first, to examine the making of this decision, in particular the amount of time taken, and if the decision time was long to examine whether this led to controversy. The propositions put forward in Chapter 1 suggest that these are important factors that may affect the implementation process.

3.2 Making of the decision on provincial autonomy.

The time taken over the decision on provincial autonomy was long, as the process was begun, as it was with all the decisions incorporated within the 1935 Act with the appointment of the Simon Commission [1] in November 1927. It was not completed till almost eight years later when, in August 1935, the Act passed into the statute books.

[1] Coupland, R. (1942) The Indian Problem 1833-1935, London, Oxford University Press, p97. Spear suggests it was begun even earlier with the Muddiman Committee. This committee however only suggested minor amendments to the Government of India Act, 1919. The process to bring about major changes was begun with the appointment of the Simon Commission. See Spear, P. (1965) The Oxford History of Modern India 1740-1947, Oxford, Oxford University Press, p365.

The Simon Commission was appointed to enquire and report on the working of the existing constitution and to recommend any changes that it thought were necessary. The Commission's Report suggested many changes. For the provinces, it recommended that the existing system of dyarchy should be replaced by full responsible government. All departments including law and order and finance should be administered by ministers responsible to provincial legislatures. There were to be no 'reserved' subjects to be administered by the Governor. "It is our intention that in future each province should be as far as possible mistress in her own house. Thus independent life will be given to the provinces which will form the nucleus of the new federal structure." The only check on the powers of provincial ministries was to be provided by powers granted to the governors enabling them to override the ministries on specified matters. Provincial autonomy was to be "mitigated by the power of intervention vested in the Governor for such purposes as the protection of minorities and the preservation of order". The Commission recommended that there should be no transfer of responsibility at the centre, that relations between the executive and legislature should remain unchanged, and that responsible government should be tried first in the provinces before it was introduced at the centre. [2]

The appointment of the Simon Commission led to protests in India as its members were drawn entirely from the two houses of Parliament and not a single Indian was appointed as a member. The Legislative Assembly passed a resolution refusing to cooperate, and its lead was followed by all the provincial councils (with one exception, the Central Provinces). The report of the Central Committee and the reports of the committees appointed by the Provincial Legislative Councils came out in favour of the abolition of dyarchy and the grant of full responsible government to the provinces. These reports indicate that there was support among a section of British Indian politicians for the scheme of provincial autonomy. [3]

[2] Report of the Indian Statutory Commission Vol II, Cmd 3569, 1930. See Part I, General Principles of Proposals.

[3] Report of the Indian Statutory Commission Vol III, Cmd 3572, 1929-30; and Report of the Indian Central Committee, Cmd 3451, 1928-29.

The Government of India too was in favour of the provinces being made autonomous. An important despatch set out the views of the Government of India on the proposals made by the Simon Commission. The despatch conveyed the agreement of the Government of India with the recommendations of the Simon Commission for the reconstitution of provincial governments. It accepted that dyarchy had been a transitional device on the road towards complete responsibility and that it should be abolished: "we are prepared to see provincial administration in all subjects entrusted to responsible ministers". The provincial governments too, the despatch stated, were unanimous that a great step forward should be taken. There were differences in the views of the provincial governments, but these were about details, not about the main issue of provincial autonomy. Thus members of the Government of India, both at the centre and in the provinces, supported provincial autonomy. [4]

While the Simon Commission was proceeding with its inquiry, nationalist demands expressed in India showed that though Indian nationalist opinion was at variance with that of the government on other issues, it was in agreement with it on the issue of provincial autonomy. An All Parties Conference under the chairmanship of Motilal Nehru produced a report that asked for full responsible government, both in the provinces and at the centre. The Aga Khan led the majority of Muslims in producing a Muslim answer to the Nehru Report. The Muslims demand was for a federal constitution with a maximum of powers to be vested in the provinces and with a minimum of authority to be retained at the centre. The recommendation of the Simon Commission for autonomy for the provinces was one which fitted in with ideas expressed in both reports. [5]

In Britain, it was clear, as preparations were made for the first Round Table Conference, that the delegates from the Liberal Party under Reading, and from the Tory party under Hoare, were basing their position on the main

[4] Government of India's Despatch on Proposals for Constitutional Reform, Cmd 3700, 1930, pp 17-18.

[5] Coupland Indian Problem, pp87-96.

recommendations of the Simon Report. [6] Even the diehards on the extreme right of the Conservative Party, stood by the recommendations made in the Report of the Simon Commission. They accepted that there should be constitutional advance in the provinces, but opposed any changes at the centre. The diehards were opposed to constitutional advances that went beyond the Simon Commission's recommendations. Henry Page Croft, one of the leading diehards, moved a private member's motion in the House of Commons in February 1933, asking for a vote in favour of the Simon Commission Report. [7] In contrast, the Labour Party was prepared to go further towards meeting Indian demands than was suggested by the Simon Report. It is sufficient to note here that despite other differences between them, all the political parties in Britain were in support of the provinces being granted autonomy and fully responsible governments.

With support for the proposal for provincial autonomy both in India and in Britain, the Simon Commission's recommendation for the abolition of dyarchy and the establishment of responsible governments in the provinces found ready acceptance at the first RTC. "That the Conference would adopt the Simon Commission's recommendation of full responsible government in the Provinces was a foregone conclusion." [8] The work of the Conference was carried out by a number of committees appointed to work out details of issues on which agreement had been reached at the Conference. The Provincial Constitution subcommittee, as expected, recommended that dyarchy should be abolished in the provinces and that all subjects should be administered by a collectively responsible cabinet, subject to the Governors' powers of intervention. It recommended that minority interests should be represented in the Cabinet. Whether provincial legislatures were to be unicameral or bicameral was left to be decided by the individual provinces. [9]

[6] Moore, R.J. (1970) "The Making of India's Paper Federation, 1927-35", in Philips, C.H. & Wainwright, M.D. (eds), The Partition of India, London, George Allen & Unwin Ltd, p60.

[7] Croft, H.P. (1948) My Life of Strife, London, Hutchinson & Co Ltd, p217.

[8] Coupland, R. (1945) India. A Restatement, London, Oxford University Press, p136.

[9] Coupland Indian Problem, p119.

The second RTC was dominated by the communal problem namely the difficulty encountered in reaching agreement between Hindus and Muslims. There was, however, no disagreement regarding provincial autonomy. The Prime Minister was able to announce in his closing statement - "we are all agreed that the Governors' Provinces of the future are to be responsibly governed units, enjoying the greatest possible measure of freedom from outside interference and dictation in carrying out their own policies in their own sphere". [10]

By the time the third session of the RTC was held, the provincial constitutions were regarded as more or less settled. Discussions at this short session were mainly about the centre. [11]

The Simon Commission's recommendations for provincial autonomy thus had widespread support both in Britain and in India. At the RTC, agreement was quickly reached on the establishment of responsible governments in the provinces. The formal decision granting the provinces autonomy was not however made till the Act received royal assent on 4 August 1935. The time taken over the decision was thus long, it stretched over a period of nearly eight years. This was mainly due to the circumstances in which the decision was made, namely that it was linked to several other decisions and incorporated in a single Act. The length of time taken over the decision was not due to technical difficulties as was the case with the separation of finances; nor was the length of time due to differences between various parties which had to be resolved by bargaining and compromise. One important omission in the account so far is the opinion in the Congress Party towards the proposed changes in the provinces. The Congress, apart from Gandhi's brief appearance at the second RTC, was absent from the discussions about India's constitutional future and thus was not involved in the making of the decision. The attitude of the Congress party towards provincial autonomy is dealt with in greater detail below, when implementation is examined.

[10] ibid, p127.

[11] ibid, p129.

3.3 Provincial Autonomy under the 1935 Act.

The Governors' Provinces [12] Burma was to be separated from India, the North West Frontier Province was to be granted provincial status, and two new provinces, Orissa and Sind were created. Thus there were to be 11 Governors' provinces in all – Madras, Bombay, Bengal, the United Provinces (UP), the Punjab, Bihar, the Central Provinces and Berar (CP and Berar), Assam, the North West Frontier Province (NWFP), Orissa, and Sind. In addition to the Governors' provinces were the Chief Commissioners' provinces which were to continue to be administered from the centre by the Governor-General acting through a Chief Commissioner. These were the territories of British Baluchistan, Delhi, Ajmer-Merwara, Coorg, the Andaman and Nicobar Islands, and the area of Panth Piploda. [13]

There were two major changes in the provinces. Firstly, they were granted autonomy – they were no longer subject to the 'superintendence, direction and control' of the central government and the Secretary of State, except in certain specified matters. Under the Act of 1919 some subjects had been 'transferred' to the provinces, now almost all subjects were 'transferred'. The second major change was the introduction of responsible government in the provinces. Dyarchy was abolished and replaced by a system of popular governments responsible to a popularly elected assembly.

The executive authority of each province was to be exercised by the Governor acting on the advice of a Council of Ministers. Unlike the Governor-General, the Governor had no reserved departments removed from the control of ministers, and he had no special responsibility for the financial stability of his province. The Act did lay down matters in which the Governor was to 'act in his discretion', such as the summoning of the legislature and the appointment of Ministers, and others in which he was to 'exercise his individual judgement', mainly in the discharge of his

[12] Government of India Act, 1935, Part III.

[13] For Chief Commissioners' Provinces see Government of India Act, 1935, Part IV.

'special responsibilities'. [14] These included the prevention of menace to the peace and tranquillity of his province, safeguarding the interests of the minorities, the protection of the rights of civil servants, the good government of backward areas excluded from the normal administration, the protection of the rights of the states and their rulers, and the execution of orders from the Governor-General with regard to certain federal interests. In all such cases, Ministers could tender advice to the Governor but he was to 'exercise his individual judgement as to the action to be taken', while earlier he had been subject to the orders of the Governor-General and the Secretary of State.

Provincial legislatures varied. Madras, Bombay, Bengal, the United Provinces, Bihar, and Assam, were to have bicameral legislatures, called the Legislative Assembly and Legislative Council, other provinces were to have only one chamber, called the Legislative Assembly. The size and composition of the legislative bodies also differed between the provinces. The number of members for the Legislative Assembly were - 250 for Bengal, 228 for the United Provinces, 215 for Madras, 175 for Bombay and the Punjab, 152 for Bihar, 112 for the Central Provinces and Berar, 108 for Assam, 60 for Sind and Orissa, and 50 for the NWFP. The manner in which the members of the legislative councils were to be selected varied from province to province. In Bengal and Bihar a large proportion of the seats was to be filled in by the Legislative Assemblies of those provinces, in others, Legislative Assemblies had no say in the composition of the council. The franchise was extended on the lines recommended by the Lothian Committee and 30 million people, nearly 1/6 of the adult population of India, became eligible to vote. The principle of communal representation meant that Muslims, Europeans, Christians, and Sikhs in the Punjab, were all accorded special representation. The Muslims in particular were given a majority of seats in Bengal (they were given 48% of the seats, a virtual majority), Punjab, Sind, and NWFP where they formed the largest community. [15]

[14] Government of India Act, 1935, Section 52.

[15] Government of India Act, 1935, Schedules V and VI.

For the discharge of his 'special responsibilities' and the exercise of his 'discretionary' functions, the Governor had powers similar to those of the Governor-General. He could prevent discussion of any bill, or clause or amendment which was likely to affect the tranquillity of the province. He could refuse assent to a bill, or return it for reconsideration, or reserve it for the consideration of the Governor-General. He could, at a time of emergency, promulgate an ordinance which would be valid for 6 months, or pass a Governor's Act. Finally, in the event of a breakdown of the constitutional machine, the Governor could assume by proclamation, all the powers of the government. [16]

3.4 Implementation

In examining implementation of this decision, it is necessary to see if the amount of time available for its implementation was long or short; to set out the steps that had to be taken for the decision to be implemented; to ask who were the agents and target parties involved in implementation, and whether there was cooperation from agents or resistance from target parties; to see if any interest groups got involved and if so did they have influence. In short, the account of the implementation of this decision attempts to answer those questions raised by the propositions set out in Chapter 1.

The time available for implementation was fairly short. The British Government had announced that the 1935 Act would come into force on 1 April 1937. All decisions incorporated in the Act, except the decision on federation (and the related decision establishing the Federal Railway Authority), were to be implemented by 1 April 1937. [17] Elections were to be held before this date so that popularly elected ministries could take office on 1 April 1937 and so inaugurate the provincial constitutions.

The decision on provincial autonomy was a closed decision with no outstanding issues left to be dealt with during implementation, unlike the

[16] Government of India Act, 1935, Sections 75, 76, 84, 88-93.

[17] Coupland Indian Problem, p133.

first case examined. It was only necessary, after the Act had been passed, to hold a general election to fill the seats in the provincial legislatures. Once an election had been held, popular ministries would be formed in the provinces and the decision would be implemented. [18]

The number of parties involved in implementation was very large. The Viceroy and members of the Government of India were the primary agents involved in implementation, but were subject to the overall control of the Cabinet in London. The Viceroy, as the man on the spot in India, was given considerable freedom of action, but events in India during the period of implementation were watched with some anxiety in London. Concern was expressed in the Cabinet and in Parliament when there were delays in implementation. There was as has been shown, support for the scheme of provincial autonomy in the Government of India and it could thus be expected to cooperate in getting the decision implemented.

The target parties involved in implementation were the political parties in India. These were, the Congress Party, the Muslim League, and a number of political parties in the provinces. [19] It is convenient, for purposes of analysis, to divide the target parties into two, into Congress and non-Congress parties. Firstly, during the period under study, the Congress was the only party with an all-India organisation and following. Most other parties which contested the elections were regional parties, many of them organised by landowners to protect the interests of the landed classes: the Unionist Party under Sikander Hyat Khan in the Punjab, the Justice Party in Madras, the National Agriculturist Party under the leadership of the Nawab of Chhatari in the United Provinces, and Independent Workers' Parties in Bombay and the Central Provinces. [20] The only other party which could claim to be a national party, the Muslim League, was, before the elections of 1936-37, in a dormant condition. The

[18] The two changes in the provinces, autonomy from the centre and the establishment of fully responsible governments were closely linked; provincial autonomy would be meaningless without transfer of government to popularly elected assemblies.

[19] See Misra, B.B. (1976) The Indian Political Parties, Delhi, Oxford University Press, pp312-313.

[20] Rizvi, G. (1978) Linlithgow and India, London, Royal Historical Society, pp23-24.

president of the League, Muhammad Ali Jinnah, had stayed on in Britain after the second RTC and had distanced himself from politics in India. The League was mainly an upper and middle class organisation during this period, dominated by landlords and titled gentry, and did not have a mass following. Within a very short time it became transformed but during implementation of provincial autonomy it was organisationally weak. [21] Secondly, for provincial autonomy to be successfully implemented, the target parties had to agree to contest the elections to be held for the provincial legislatures, and, if elected, to accept office. The non-Congress parties agreed to both and thus did not resist implementation. The Congress Party on the other hand though it did contest the elections, did not immediately accept office and forced a further period of bargaining and negotiation. Thus implementation in provinces in which the Congress Party was in a dominant position followed a different pattern from those in which non-Congress parties attained a majority. The two steps required by the target parties in cooperating with implementation of provincial autonomy are examined below.

3.5 Agreement to contest elections

3.5.1 Non-Congress Parties

The Muslim League, like the Congress Party, condemned the 1935 Act. At a session held in Bombay in April 1936, the League passed a resolution condemning the Act, but unlike the Congress, the League did not reject the whole of the Act. It criticised the safeguards, the powers invested in the governors which prevented truly responsible governments from being formed in the provinces, but, given the prevailing conditions in the country, recommended that the provincial scheme be given a trial. [22] Other political parties too had expressed dissatisfaction with the scheme of provincial autonomy, but they too, were willing to participate in the

[21] ibid, p21.

[22] Coupland, R. (1943) Indian Politics 1936-1942, London, Oxford University Press, p8.

elections. [23]

3.5.2 The Congress Party

The Congress Party had condemned all aspects of the 1935 Act, as they had been set out in the White Paper on constitutional reforms. The Report of the Joint Select Committee was declared as being 'even worse than that of the White Paper'. The Congress Working Committee demanded a new constitution drawn up by a democratically elected Constituent Assembly. [24] In all its public pronouncements, the Congress continued to express its opposition to both the major decisions, federation and provincial autonomy. There were, however, important differences in the party's attitude to the two decisions. Public condemnation of the 'the Act' hid important differences between the left and right wings of the party on the issue of provincial autonomy.

The Indian National Congress was a well-disciplined national party. It held regular sessions to which all areas sent delegates. The delegates elected the President and the All India Congress Committee (AICC) to carry out the party's programme which was decided at these sessions. The party's most powerful organ was the Congress Working Committee (CWC) and its members were not elected, but were chosen by the President of the party. Though a unified national party, there were factions within the Congress. At the time of the elections to the Central Legislature in 1934, a section of the Congress, mainly members of the Hindu Mahasabha, led by Madan Mohan Malaviya and M.S. Aney had broken away and stood as the Congress Nationalists because they were totally opposed to the communal award. In the legislature, the two parties usually voted together except on communal questions and thus functioned for all practical purposes as one party. [25] Around the same time, there emerged a left wing in the party, with the formation of the Congress Socialist Party. [26] Unlike the Congress Nationalist Party, the Socialist Party remained within the

[23] Rizvi Linlithgow, p17.

[24] Coupland Indian Politics, p8.

[25] Majumdar, R.C. (1969) Struggle for Freedom, Bombay, Bhartiya Vidya Bhavan, pp541-542.

[26] Misra Political Parties, p284.

Congress. Its members were members of the Indian National Congress and it subscribed to the Congress programme and constitution. Though Nehru was the undisputed leader of the left, he did not associate himself with it formally. [27] Some years later, in 1939, when the differences between Bose and Gandhi came to a head, Bose resigned from the post of Congress President and organised a new party within the Congress, the Forward Bloc, to bring together the radical and left-wing elements in the party. [28] Thus, though the Congress was one political party, there were powerful interest groups within it. It was primarily the activities of one of these interest groups, the left wing, that led to difficulties in implementing provincial autonomy.

Gandhi was aware of the ideological divisions within the Congress party between the conservatives led by Vallabhai Patel and Rajendra Prasad and the socialists led by Jaya Prakash Narayan. He had Nehru elected Congress President in 1936 while the latter was still in Europe where his wife Kamala had died in hospital. [29] Gandhi felt Nehru would be acceptable to both groups. Nehru's left-wing sympathies were well-known. He was also recognised as Gandhi's 'favourite son' and was thus acceptable to the right wing. Gandhi's suggestion was accepted as a way of avoiding controversy in the party. [30]

The differences between the left and right wings of the party came to the fore during implementation of the decision on provincial autonomy. Nehru and the left wing were opposed to any form of cooperation with the government. Nehru denounced the Act as a 'new charter of slavery' and repeated Congress demands for the election of a Constituent Assembly. [31] Nehru was totally opposed to accepting office in the provinces and he had the support of Gandhi, but there were many on the right such as

[27] Brecher, M. (1959) Nehru. A Political Biography, London, Oxford University Press, pp217-218.

[28] Majumdar Struggle for Freedom, p571.

[29] Gopal, S. (1975) Jawaharlal Nehru. A Biography. Vol I 1889-1947, London, Jonathan Cape, p200.

[30] Brecher, M. (1959) Nehru, pp211-214. Tomlinson, B.R. (1976) Indian National Congress and the Raj 1929-1942, London, Macmillan, p56.

[31] Coupland Indian Politics, p12.

Rajagopalachari and Ansari who were in favour. [32] The possibility of wielding power in the provinces, even though this power would be limited, was one which attracted many on the right of the party. [33] There were also differences between the right and the left on whether or not the party should adopt a socialist programme, but these are not dealt with here. The divisions were not clear-cut; for example both Nehru and Bose were leaders of the left but there were important differences between them such as in their attitudes to fascism. [34]

That the attitude of the party towards provincial autonomy and towards federation was not identical despite the rhetoric condemning 'the Act' became clear at the Lucknow session of the Congress held in 1936. There was seen to be considerable support within the party for the scheme of provincial autonomy. This led, in the first instance, to the Congress party agreeing to contest the elections. At a meeting of the Congress Working Committee before the main session at Lucknow, the majority were in favour of office acceptance and Nehru who opposed it was isolated. [35] Nehru sponsored a number of radical resolutions but most were defeated at the subsequent session.

"On the vital issue of the moment, the party's attitude to the 1935 Government of India Act, Nehru suffered a defeat. The Congress rejected the Act 'in its entirety' and renewed the demand for a Constituent Assembly. But at the same time it agreed to contest the elections and, most important, it shelved the question of 'office acceptance'. Critics on the Left endorsed Nehru's views and called for an unequivocal rejection of office in advance, but the lure of power and prestige was too great for the majority." [36]

The right wing which was not opposed to the decision on provincial autonomy was, as the Lucknow session showed, in a position of strength within the party. This led to the party agreeing to contest the

[32] Gopal Nehru Vol I, p200.

[33] Brecher Nehru, p216.

[34] Majumdar Struggle for Freedom, pp557-558.

[35] Gopal Nehru, Vol I, p204.

[36] Brecher Nehru, p220.

forthcoming elections. The crucial question of office acceptance was left to be decided at the proper time by the AICC in consultation with the Provincial Congress Committees. [37]

Nehru agreed to contest the elections. They would serve a useful purpose by helping the party to develop mass contacts for the electorate had been expanded and included 30 million voters. The elections, Nehru felt, could be used to carry the message of the Congress to the people. Thus Nehru rationalised and "did not face up to the fact that electoral success and the opportunity of forming ministries would in themselves further weaken the position of those in the party of his way of thinking. It would have been far easier to secure a commitment to non-acceptance when the lure of office was not immediate. Postponement, by the very nature of the situation transferred the advantage to the other side". [38]

As Congress President, Nehru could choose the members of the new Congress Working Committee that was to be formed. He selected its members to reflect the views of the majority in the party rather than his own. He chose ten members from the right who were against his socialist policies and were inclined towards office acceptance and only four from the left. There were clashes between the CWC and the President, but as the elections drew near, there was a uniting of ranks as the party prepared itself to fight the elections. [39]

The election manifesto issued by the AICC in August 1936 once again rejected 'the entire 1935 Act'. It stated that the only purpose of sending Congressmen to the legislatures was to combat and seek an end to the Act though it did not state how this was to be done. The issue of office acceptance was again postponed and left to be dealt with after the elections. [40]

[37] Sitaramayya, B.P. (1947) The History of the Indian National Congress, Vol II, 1935-1947, Bombay, Padma Publications Ltd, p12.

[38] Gopal Nehru, Vol I, p206.

[39] Brecher Nehru, pp224-225.

[40] Coupland Indian Politics, pp12-13.

The next session of the Congress was held at Faizpur in Maharashtra in December 1936. Nehru was reelected President as a change in the middle of the election campaign would have been unwise. Nehru's presidential speech reflected again his views and those of the left: the Congress party was in favour of a Constituent Assembly, it was contesting the elections to rally the masses and it would not cooperate with the government. [41] The crucial issue of office acceptance which would be decisive in whether or not the Party cooperated with the government was again postponed and left to be discussed by the AICC immediately after the elections. It was decided at Faizpur to hold a convention of elected legislators after the elections, who would, it was declared, put forward a demand for a Constituent Assembly. [42]

3.6 Elections of 1937

The elections for the provincial legislatures were held in the winter of 1936-37. The differences between the right and left wings of the Congress were put aside as the party united to fight the elections. The Congress had a party organisation that extended to most parts of the country and large numbers of volunteers willing to work for the party. [43] In Vallabhai Patel it had a most able campaign organiser. The campaign was led by Nehru who plunged enthusiastically into the task, carrying the Congress message to the people. He travelled all over the country using every available means of transport from aeroplanes to camels and elephants and millions of people came to hear him. [44] The electorate had been widened and comprised over 30 million men and women. To help illiterate voters, symbols and coloured boxes were used. Turnout at the

[41] Gopal Nehru, Vol I, p217.

[42] Sitaramayya History of Congress, Vol II, p35.

[43] Misra Political Parties, p314.

[44] Brecher Nehru, pp227-229.

elections was high. [45]

3.7 Results of the elections

The elections were an undoubted triumph for the Congress Party. Out of a total of 1585 seats in the Provincial Legislative Assemblies, the Congress won 706 seats. A number of seats were reserved for representatives of certain communities and of some special interests. While the Congress did put up candidates and did win some of these seats such as Women's and Labour seats, the extent of the Congress success is better appreciated when it is realised that the total of general seats was only 808. In five provinces the Congress obtained clear majorities and it was the largest single party in two others. The table below shows the seats won by the Congress Party in each of the eleven provinces. [46]

[45] Rizvi Linlithgow, p25. NB - Turnout was not 54% as stated in some works. The percentage of votes polled to the total number of voters was not equal to the percentage of the electorate which voted. There were some constituencies in almost all the provinces which returned more than one member and in these constituencies each voter was at liberty to poll more than one vote. See Returns Showing the Results of Elections in India, 1937. Cmd 5589, 1937-38.

[46] Returns Showing the Results of Elections in India, 1937. Cmd 5589, 1937-38. For a summary of results see Misra Political Parties, pp312-313. Figures for the exact number of seats won by the Congress in each province vary in historical works of that period. See Sitaramayya History of Congress, Vol II, p 39; Coupland Indian Politics, p 16; Rizvi Linlithgow, p 26. The discrepancies are caused by the fact that the official results of the elections give the results for each constituency, but no overall summary. Misra, with a table that gives the total number of seats won by each party in each province, plus overall totals, provides the most accurate figures.

Table 2: Seats won by the Congress Party in 1937

<u>Province</u>	<u>Total no of seats</u>	<u>Seats won by Congress</u>	<u>%age of Total</u>
Madras*	215	159	74
Bombay*	175	85	49
Bengal*	250	54	21
United Provinces*	228	134	59
Punjab	175	18	10
Bihar*	152	91	60
CP and Berar	112	70	62
Assam*	108	32	31
NWFP	50	19	38
Orissa	60	36	60
Sind	60	8	12
Total	1585	706	

*Provinces with bicameral legislatures. Upper House - Provincial Legislative Council.

The Muslim League on the other hand, the only other party with any claims to be an all-India party, fared extremely badly. In two Muslim majority provinces, Sind and NWFP, it failed to win any seats. It did not win any seats in Orissa and Bihar. It won only 1 seat in Punjab, 4 seats in Assam and 5 in the Central Provinces. In Bengal it won 40 seats, but, in this province, 119 seats had been reserved for the Muslims. It fared better in the other provinces - in Madras it won 9 out of 28 Muslim seats, in UP 26 out of 66 Muslim seats and in Bombay 18 out of 30 Muslim seats. [47]

The poor showing of the Muslim League meant that though it was willing to cooperate in implementing provincial autonomy, it could not significantly affect implementation. The Congress Party in contrast was in a position of strength in 7 provinces and thus it had the ability to resist implementation in these provinces. Despite differences between its right and left wings, the party had been united in fighting the elections.

[47] Returns Showing the Results of Elections in India, 1937. Cmd 5589, 1937-38, and Misra Political Parties, pp312-313.

This was only the first step in the decision being implemented. The next step was to accept office and form popular ministries. Before turning to events in these 7 provinces, it is necessary, to examine very briefly, the issue of office acceptance in the 4 provinces in which the Congress was not in a dominant position.

3.8 Office Acceptance

3.8.1 Non-Congress Provinces

Bengal - No party had obtained an absolute majority. Though the Congress with 54 members was the largest single party, its members did not form a united bloc as several had been returned from special groups. No single party was in a position to form a ministry and a coalition government was formed under A.K. Fazlul-Huq, leader of the Krishak Proja Party. The coalition included the Muslim League, the Independent Scheduled Caste Hindus and the Independent Caste Hindus. [48] Though the government remained in power till December 1942, it was not a strong or stable government and the internal strains and dissensions came to the fore on several occasions. The government could not rely on the support of the Scheduled Castes but was able to get support from the Europeans and continue in office. Later there were divisions among the Muslims which ended with the League breaking away from the coalition. [49]

Punjab - Allocation of seats among the different communities had proved difficult in the Punjab with the Sikhs claiming weightage as former rulers of the Punjab and because of their contribution to the Indian Army. The National Unionist Party obtained a clear majority winning 95 seats out of a total of 175, and a ministry was formed under its leader, Sikander Hyat Khan. His cabinet included Muslims, Hindus and 1 Sikh. The Unionist party had the support of one group of Sikhs and despite the breaking away of a small group of Independents, the government was not in danger of being

[48] Majumdar Struggle for Freedom, p577.

[49] Coupland Indian Politics, pp27-28.

defeated. Thus the the government in the Punjab was both a strong and stable one. [50]

Assam - The Congress Party won the largest number of seats, 32 out of a total of 108, but this was well below a majority. There were 14 parties in all among whom the seats were distributed. An eminent Muslim lawyer, Sir Syed Muhammad Saadulla, was invited to form a government and managed to get enough support from the several Muslim parties, the Europeans, and a few Independents to form a government. The majority was a precarious one and politics in Assam remained complex and unstable during the period of provincial self-government. The Congress succeeded in forcing a motion of no-confidence in September 1938. Thereafter a ministry under a Congress Prime Minister was formed till all Congress governments resigned in October 1939, when Sir Muhammad Saadulla again became the Premier. This was followed by a period of Governor's rule. [51]

Sind - The chief Muslim party, the Sind United Party won 18 seats, the Congress 8 seats, and the remaining seats were divided between several Hindu and Muslim parties and a few independents. A ministry was formed under Sir Ghulam Hussain Hidayatullah, a leader of the Sind United Party. The coalition he headed was an uneasy one since the Muslims in it failed to put up a united front. The Ministry did not survive long and was succeeded by another in early 1938 which managed to stay in office with the support of the Congress. There were further changes in the government during the period of provincial self-government, and politics in Sind, as in Assam, remained complex during this period. [52]

3.8.2 Congress Provinces

Of the two steps necessary for implementing provincial autonomy, contesting elections and acceptance of office, the Congress Party, despite differences between its right and left wings had agreed to the first. The left wing felt that participation in the elections would help the party extend its popular base. It was opposed to office acceptance for fear that

[50] ibid, p42.

[51] ibid, pp56-58.

[52] ibid, pp65-68.

once in government, the Congress would cease to be a revolutionary organisation and that it would become absorbed instead in the politics of reform. The moderates were in favour of the party contesting elections and also in favour of accepting office. They felt this would strengthen the position of the party, while refusal to accept office would allow parties opposed to the Congress to exploit the situation to their advantage. There was support too among the right wing for the idea that by accepting office the Congress would be able to bring about the social and agrarian reforms promised in the election manifesto. The differences between the two groups [53] had been resolved by deciding to contest the elections and by postponing the question of office acceptance. Once the results of the elections were known, this important issue could not be postponed any further.

The question of office acceptance was debated by the Congress Party in Delhi in March 1937. At Faizpur it had been agreed to summon a convention of all Congressmen who had been elected as legislators. The purpose of the convention was meant to be to reiterate the demand for a Constituent Assembly and to find ways to combat the Act. However, "any such convention of legislators could be expected to display an eagerness for office; and to summon such a meeting was to promote a decision to that effect". [54]

Nehru argued for the left-wing that the Congress should refuse to form ministries and thus force the Governors to form minority ministries. The Congress could then defeat these ministries by a vote of no-confidence, the Governors would be forced to assume powers themselves under Section 93 of the Act and this would demonstrate the failure of the constitution. [55] The left-wing remained opposed to office acceptance despite the scale of the Congress victories. The majority however was in favour of office acceptance. Gandhi's inclination was to support Nehru, but he responded to the overwhelming mood of the party. The National Convention of Congress legislators was preceded by a meeting of the AICC

[53] For differences between the right and left wings of the party see Misra Political Parties, Chapter 5.

[54] Gopal Nehru, Vol I, p217.

[55] Rizvi Linlithgow, p32.

on 17-18 March. [56] The moderates succeeded in putting through a resolution permitting the acceptance of office. The activities of the left wing had not been entirely in vain. The resolution contained a rider, a condition had to be fulfilled before the Congress would signify its willingness to accept office.

The strenuous opposition of the left wing to the scheme of provincial autonomy thus led to a condition being attached to the Congress Party's resolution of office acceptance. This condition proved to be a stumbling block that prevented provincial autonomy from being implemented for several months.

On the crucial question of office acceptance, the resolution of the AICC meeting of 18 March stated: "And on the pending question of office acceptance, and in pursuance of the policy summed up in the foregoing paragraphs, the All-India Congress Committee authorises and permits the acceptance of offices in Provinces where the Congress commands a majority in the Legislature, provided the Ministerships shall not be accepted unless the leader of the Congress Party in the Legislatures is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of Ministers in regard to constitutional activities ." [57]

The resolution was regarded as defeat for the radicals and a victory for the moderates, and it was widely expected that the Congress would accept office. The phrasing of the resolution was sufficiently vague and it was expected that the Governors would be able to find some way to make statements that would satisfy Congress leaders. The assurances demanded were put in as a face-saving device, given the vehement criticism by the left wing of the safeguards. [58] "This formula of conditional acceptance of ministerial office was a face-saving device of Gandhi, the object being to enable the would-be Congress Ministers to satisfy their own followers

[56] Sitaramayya History of Congress, Vol II, pp43-44.

[57] Gwyer, M. & Appadorai, A. (eds) (1957) Speeches and Documents on the Indian Constitution 1921-1947, 2 volumes, London, Oxford University Press, pp392-393.

[58] Coupland Indian Politics, p17.

without demanding from Provincial Governors specific assurances which they were debarred by the Constitution from giving." [59]

In the press and elsewhere, it was assumed that the resolution would allow Congress leaders to accept statements about the attitudes of governors and that they would not seek specific assurances which the governors could not give.

The activities of the left wing led to a condition being attached to the resolution on office acceptance, but this was not expected to prevent the formation of Congress ministries. Events took an unexpected turn when leaders of the Congress Party in the provinces in which they were in a majority asked the Governors to give assurances in identical terms: "that in regard to the constitutional activities of his Ministers His Excellency will not use his special powers of interference or set aside the advice of my Cabinet". [60]

Instead of the vague assurances that the Congress originally seemed to be demanding, Governors were asked to give specific assurances in terms laid down by the Congress Working Committee. The governors informed the Congress that they could not give promises not to do what they were required to do by the Act in certain circumstances. Congress leaders refused to accept office and instead of forming ministries, the Congress observed a day of hartal [61] on 1 April 1937. [62]

With the refusal of the Congress to form ministries, the Governors had two options before them. They could appoint minority ministries, or they could declare under Section 93 of the Act, that "a situation has arisen in which the government of the Province cannot be carried on in accordance with the provisions of the Act" and assume all powers themselves. On the instructions of the Viceroy they adopted the former course. The possibility of these ministries being defeated was avoided by postponing

[59] Misra Political Parties, pp326-327.

[60] Quoted in Coupland Indian Politics, p17.

[61] hartal - closing of shops and offices, suspending work, as a mark of political protest.

[62] Coupland Indian Politics, p17.

the summoning of the legislatures.

The formation of these minority governments in the Congress provinces did not lead to provincial autonomy being implemented: "the crisis was not resolved thereby, it was only suspended, since the legislatures would have to be summoned within six months and, when they were summoned, the position of Ministers in a minority, unable in particular to carry their budgets against the Congress majorities, would clearly become impossible". [63]

The legislatures would have to be summoned within six months and in the intervening period the Viceroy hoped to be able to secure the cooperation of the Congress. If the Governors took over responsibility under Section 93, it would mean accepting that it had not been possible to implement provincial autonomy and this he hoped to avoid. [64]

A period of bargaining and negotiation then followed between the Congress Party on the one hand and the Government of India on the other. The Congress, though it remained united, was subject to pressures from its two factions on the left and the right. Negotiations for the Government of India were chiefly in the hands of the Viceroy though he was subject to pressures from articles in the press, from members of Parliament and from members of the Cabinet in Britain. These negotiations came about not because of the nature of the decision, which was closed with no outstanding details to be decided during implementation, but because of the activities of the left wing of the Congress Party. The need to placate this interest group led to the condition being attached to office acceptance.

The centralisation of negotiations was due to Gandhi who was anxious to keep the party united. Gandhi sought negotiations at the centre between himself and the Viceroy while Linlithgow sought to undermine the party's unity by trying to conduct negotiations at the provincial level. He was supported in this policy by the Secretary of State.

[63] ibid, p18.

[64] Glendevon, J. (1971) The Viceroy at Bay, London, Collins, p51.

"What the Working Committee of the Congress were particularly anxious to secure was a central solution as distinct from solutions arrived at as a result of separate negotiations carried on in the Provinces which, if successful, would tend to undermine their authority over the organisation as a whole. On the other hand I attached importance to negotiations being entered into wherever possible between the Governors and the leading Congressmen in the Provinces." [65]

If the Congress could be persuaded to accept office in at least some of the provinces, the unity of the party would be undermined. The national leadership under Gandhi and Nehru was adopting a radical line, but there were right wing leaders in the provinces who might take a more moderate stand.

Before the AICC met at the end of March 1937 the Provincial Congress Committees had been asked to report their views on office acceptance. "Of the eighteen Congress provinces who replied, thirteen expressed themselves as fully in favour of office acceptance, eleven of them with no mention of any special conditions. Among the leading Congressmen of the six British Indian provinces (thirteen Congress Provinces) in which the Congress had secured a clear majority in the elections, there was little doubt about whether office should be accepted. Of these provinces, only Maharashtra and the U.P. voted against a ministry, while in C.P. for example rumours filtering down about conditional acceptance came as 'a great shock'." [66]

In Madras in particular, the Congress leaders, Rajagopalachari and Satyamurti were very keen to accept office and Rajagopalachari did have private talks with Erskine. [67] Gandhi was aware of the weakness of the Congress in the provinces and kept negotiations firmly in the centre. Despite the eagerness of the Congress in Madras and other provinces to accept office, the party remained united and no separate deals were made in any of the provinces. "The Congress was not a congeries of autonomous provincial parties but a tightly disciplined national organisation." [68]

[65] Zetland (1956) Essayez, London, John Murray Ltd, p221.

[66] Tomlinson Congress and the Raj, p62.

[67] Rizvi Linlithgow, p38.

[68] Hodson, H.V. (1969) The Great Divide, London, Hutchinson, p63.

The Viceroy's refusal to give the assurances demanded by the Congress was constitutionally correct. He may also have been suspicious of Gandhi's motives in asking for these assurances. He may have feared that giving in to Congress demands would lead to a tremendous increase in the prestige of the Congress as it would be generally construed as a victory for the Congress over the British Government. Not only did the Viceroy refuse to give the assurances demanded, he resisted pressures put upon him in the ensuing months to give in to Congress demands, demands which had originated with the left wing. In the period of controversy that followed, the Viceroy came under pressure from several sources including the Cabinet in London.

"The Viceroy now began a long battle of attrition with Congress..... Although he was completely supported in his attitude by the Governors and the Government of India, there were to be times when he would feel very much alone as far as his relations with the Government at home were concerned." [69]

On 30 March 1937, Gandhi issued a press statement [70] on the refusal of the Governors to give the assurances demanded by the Congress. Gandhi had, at that time, withdrawn from active politics, but was still the dominant force in the Congress Party. [71]

".....I am the sole author of the office-acceptance clause of the Congress resolution and the originator of the idea of attaching a condition to office acceptance. My desire was not to lay down any impossible condition. On the contrary, I wanted to devise a condition that could be easily accepted by Governors. There was no intention whatsoever to lay down a condition whose acceptance would mean any slightest abrogation of the Constitution. Congressmen were well aware that they could not, and would not, ask for any such amendment."

He went on to explain that the clause was meant to help the Congress achieve its objective of creating a situation in which all power would be

[69] Glendevon Viceroy at Bay, p51.

[70] Gwyer & Appadorai Speeches and Documents, Vol I, pp393-394.

[71] Tomlinson Congress and the Raj, p46.

transferred. Gandhi said that Samuel Hoare and other ministers had stated that ordinarily Governors would not use their special powers, and all the Congress was demanding was that the governors give a specific undertaking to this effect.

Certainly Gandhi had inserted the clause to placate an important interest group in his party, and it is quite likely that he did not expect it to prevent the Congress from forming ministries. The governors refusal to give the specific assurances left the party with no option but to refuse to accept office.

Gandhi's statement brought no response from official quarters but there were letters to the Times from Lord Lothian, who had been a member of the Round Table Conference and Chairman of the Franchise Committee and thus spoke with some authority on Indian affairs. He may have been requested by the India Office to do so. [72] If he was so requested, this was an early indication that there was a difference between London and Delhi on how the issue ought to be handled. Lord Lothian pointed out that the Governors use of safeguards would, in practice, be controlled by public opinion. The history of responsible government showed that a governor's decision to differ from his Ministers depended on whether they could count on the support of the electorate in the event of a dissolution. If there was a difference between a Congress ministry and the governor, the matter would ultimately be referred to the electorate and since the Congress would be sure of being reelected, a deadlock would result. Aware of this, governors would be unwilling to use the safeguards or to resort to the special powers conferred on them. [73]

Lord Lothian's letters to the Times led to a modification of the Congress demand. The Congress now demanded that if the governor overruled his ministers, he must dismiss them. If the ministers retained the support of the majority of the legislature, this would mean dissolution of the legislature and fresh elections. [74] A CWC resolution of 26-29 April

[72] Rizvi Linlithgow, p41.

[73] Coupland Indian Politics, p18.

[74] ibid, pp18-19.

stated:

"this Committee has grave objection to Ministers having to submit to interference by Governors with the alternative of themselves having to resign their office instead of the Governors taking the responsibility of dismissing them." [75]

The Congress demand was modified but it still sought some assurances without which it was not prepared to accept office.

Others joined in the controversy and opinions on the deadlock were expressed both in India and in England. Professor A.B. Keith, a leading constitutional historian, was critical of the government's attitude, while Tej Bahadur Saprú felt that the Congress demand was unreasonable. [76] Saprú suggested that the Viceroy should call a conference with Congress leaders. [77] Gandhi proposed that the matter should be referred to a legal tribunal. [78]

The Viceroy made no moves to break the deadlock and this policy of deliberate inaction began to cause anxiety in Britain. This was conveyed to the Viceroy by the Secretary of State:

"A body of opinion here which it would be unwise to discount entirely is becoming anxious at continued deadlock and is inclined to take the line that Government having made the constitutional position clear ought to endeavour to find means of giving Congress opportunity of reconsidering situation which they apparently will not do in the absence of any move on the part of Government....." [79]

The body of opinion referred to included members of the Cabinet, several of whom had special knowledge of India. Among the members of the Cabinet were Lord Halifax, formerly Lord Irwin, Samuel Hoare, the former Secretary of State for India, and John Simon who had been head of the

[75] Gwyer & Appadorai Speeches and Documents, Vol I, pp394-395.

[76] Rizvi Linlithgow, p42.

[77] Glendevon Viceroy at Bay, p54.

[78] Rizvi Linlithgow, p43.

[79] Quoted in Glendevon Viceroy at Bay, p54.

Statutory Commission on Indian Reforms. [80] Lord Halifax in particular was in favour of some gesture that would strengthen the position of the moderates in the party. He felt the Congress ought to be given a chance to make its position clear and he approved of Sapru's suggestion for a conference with Congress leaders. Halifax was of the view:

"that we are not attaching sufficient importance to the psychological aspect of the case; that a stonewalling policy shows a lack of imagination and will get us nowhere; that while a strong case can be made out on purely logical grounds for such a policy, most people's actions are not governed by reason but by sentiment, and that this appreciation of human action is applicable with special force to Indians of the type of Gandhi." [81]

The Secretary of State supported the idea that some move should be made. He suggested that Linlithgow should make a statement that the Government would not use its reserve powers in a strict or legalistic way, nor would it use them to hinder social reforms and that it would adopt a sympathetic attitude to reforms proposed by the Congress. [82]

Linlithgow's response to these requests to make some conciliatory moves was a firm no. He gave several reasons why he felt concessions to the Congress were out of the question. Given the accepted policy of provincial autonomy, it was undesirable to centralise discussions under the Viceroy - this was precisely what the Congress wanted. He realised that several people wished him to intervene, but this would appeal to the Congress as the best way of escape from the tangle into which they had put themselves. It would give Gandhi an opportunity to reestablish his personal position and to enhance the prestige of the Congress. He was aware of the arguments of the other side, but after closely observing the position and carefully weighing the facts, he had decided it was not yet time for him to intervene. It was, in his opinion, wisest to allow matters to take their course until either the minority ministries were defeated or the Congress

[80] Moore, R.J. (1970) "British Policy and the Indian Problem 1936-1940" in Philips, C.H. & Wainwright, M.D. (eds) The Partition of India, London, George Allen & Unwin Ltd, p80.

[81] Zetland Essayez, p220.

[82] Glendevon Viceroy at Bay, p54.

party made a move. [83]

The Secretary of State accepted the Viceroy's judgement and agreed that the best policy in the circumstances would be to let events take their course. The matter was discussed by the Cabinet shortly thereafter. On 9 May 1937, the Secretary of State was able to write to the Viceroy that he was pleased at the outcome of the Cabinet meeting. When he had asked for the members' support 'for the policy which you and I in most whole-hearted agreement were pursuing', even Halifax had acquiesced, though reluctantly, and among the Cabinet 'there was not a dissentient voice'. [84] The Viceroy was assured of the support of the Cabinet as he sought to bring in the Congress on his terms. Some of the support though, was reluctantly given and did not last.

While the Cabinet gave its support to the Viceroy's policy of 'wait and see', other voices were raised in criticism. On 2 May an article appeared in the Statesman (an English owned newspaper), headed "Indian Impasse Deplored - Unofficial anxiety - Viceroy's silence unhelpful". It reported that members of Parliament in Britain were critical of the Government of India's attitude to the deadlock. According to the article, the opinion in Parliament was that the legislatures should be summoned in the Congress Provinces, otherwise the Government of India would incur some share of responsibility for any further deterioration in the situation. [85]

The Government of India's policy was criticised in a House of Lords debate. Lord Snell, the leader of the Labour opposition stated that it seemed to him that the deadlock was more due to a clash in temperaments than to fundamental differences between the two sides. He felt the time had come when both sides should make another effort to reach agreement. The Government could try and remove any misapprehensions which might exist concerning its intentions. It should, in his opinion, give an assurance that the reserved powers of the Governors would not be used unnecessarily. [86]

[83] ibid, pp54-55.

[84] Zetland Essayez, pp220-222.

[85] Glendevon Viceroy at Bay, p56.

[86] ibid, p57.

Speaking for the diehards during the debate, Lord Lloyd warned against any interview with Gandhi. This caused the Viceroy to comment in a letter to the Secretary of State: "Don't forget to remind them [the diehards], if I get into trouble, that they all supported provincial autonomy!" [87]

Despite these criticisms, Linlithgow remained firm in his policy and decided that he would not invite Gandhi for talks to try and resolve the issue. His response to demands for action was to ask the Governors to intensify their efforts to make contact with Congress leaders in the provinces, and to make further speeches giving explanations without giving the specific assurances demanded by the Congress. He himself could have made a speech on the issue but he felt it would be better to wait till it was nearer the time for the legislatures to meet as then the Congress would be under greater pressure to accept office. [88]

Within the Congress party, the right wing, which had all along been in favour of office acceptance, but had stayed out in a show of unity, began to show signs of unease at the continuing stalemate. Rajagopalachari approached the governor of Madras, Erskine, with a new formula. He proposed that in the event of a disagreement between a governor and his ministers, the governor should ask for the latter's resignation. Erskine's reaction was that this was exactly the same as the demand that the governors should dismiss the ministers. Erskine felt that the Congress wanted that the responsibility for the fall of a ministry should always seem to be that of the governor and thus he rejected the new formula. [89]

At the beginning of June, Gandhi made a speech in which he said he himself was very anxious that the Congress should take office. The Congress had earlier demanded that a governor should dismiss his ministers in the event of a serious disagreement, but he would accept Rajagopalachari's formula that the governor should ask for the ministers' resignations instead. [90]

[87] ibid, p57.

[88] ibid, pp57-58.

[89] ibid, p59.

[90] ibid, p61.

"The situation was beginning to develop. The fundamental objection of Congress to the Constitution had been in no way weakened by recent events, but it was evident that there were Congressmen eager to take office. Congress's original demands in the matter of the special powers had been modified, if only very slightly. Suggestions were being made in some Congress speeches that the great need was for proof of British friendliness." [91]

Another article appeared in the Times [92] asking that the legislatures be summoned soon, before the situation deteriorated. It praised the Viceroy's policy of silence, but felt that the time had come for him to take the initiative. Rajagopalachari too was asking Erskine for a conciliatory gesture on the part of the government. He pointed out that Gandhi was holding out an olive branch by changing his stance and if this new demand was met, Congress would take office. A conciliatory policy would strengthen the position of the moderates, while a policy of confrontation would mean that the initiative would pass to the radicals within the party. [93]

The Viceroy now felt the time had come to make a statement. On 22 June Linlithgow issued a statement which was, as the summary below shows, conciliatory in tone rather than in content. The assurances demanded by the Congress, even the modified ones were not conceded in any way. The statement was a lengthy one and only the main points made in it are referred to below. [94]

The Viceroy acknowledged the misapprehensions felt in certain quarters about the relation of Governors to their ministers, misapprehensions that had been made abundantly clear in the public discussions of that issue. He felt that these discussions together with the actual working of the constitution in the provinces during the last three months had helped to remove the existing misapprehensions and misunderstandings.

[91] ibid, p61.

[92] 11 June 1937.

[93] Glendevon Viceroy at Bay, pp61-62.

[94] Linlithgow (1940) Speeches, Vol I, Simla, Government of India Press, pp214-234.

Referring to the Congress demand for assurances regarding the reserve powers of the Governors he said:

"Three month's experience of the operation of the Constitution, short as I agree that that period is, has conclusively shown from the practical point of view that, any legal difficulties in regard to the grant of such assurances apart, those assurances are not essential to the smooth and harmonious working of the Constitution.....Those three months have shown equally, and beyond question, that the apprehensions which have been entertained - and I readily accept the sincerity of those apprehensions even if I see no foundation of fact for them - that Governors would seek occasions for interfering with the policy of their ministers, or for the gratuitous and uncalled for exercise of the special responsibilities imposed upon them by the Act to impede or challenge ministers in the day-by-day administration of the Province, have no shadow of justification." [95]

The special responsibilities of the Governors, he said had been restricted to the narrowest limits possible. They did not entitle a governor to intervene at random in the administration of the province. He made it clear though that these powers would be used to protect minorities or interests they were meant to safeguard.

"In the discharge of the Governor's special responsibilities it is indeed incumbent upon him, to act otherwise than on the advice of his ministers if he considers that the action they propose will prejudice the minorities or areas or other interests affected." [96]

Referring to the question of resignation or dismissal of ministries, he welcomed the suggestion made by Gandhi that only when an issue between a Governor and his ministers constituted a serious disagreement should the question of severing their partnership arise. When such a serious disagreement did arise, it would be more consistent with constitutional practice if the ministries resigned.

[95] ibid, p221.

[96] ibid, p221.

"What I am concerned to make clear is that without any threat to those [special] interests, or any sacrifice of them, a Governor and his ministers can, in my judgement, hope within the provisions of the Act, to operate the Constitution in the normal manner which the Act envisages, and to avoid, save in circumstances which I find it not easy to contemplate, fundamental differences of opinion such as to endanger the relation between the Governor and his ministry in that very limited area in which certain special obligations and responsibilities are imposed upon a Governor." [97]

The above summary of the main points of the Viceroy's statement is sufficient to show that no attempts had been made to meet Congress demands and that the Viceroy had stuck to his intention of not giving way upon any single point. [98]

"In fact no constitutional ground had been surrendered. Lord Linlithgow had not accepted Lord Lothian's doctrine that a conflict between a Governor and his Ministers should be resolved by an appeal to the electorate, nor did his view that only a conflict on a major issue would justify an open breach imply that on other issues the 'safeguards' would not operate at all." [99]

Press reaction to the Viceroy's statement was favourable but it was the Congress Party's response that would be crucial. The Congress Working Committee was to meet at Wardha from 5-8 July and a fresh resolution on the question of office acceptance was expected.

In the interval between the Viceroy's statement and the Congress response, the Cabinet in London, lost its nerve. [100] A turning point seemed to have been reached in relations between the Congress and the Government. The Secretary of State who had so far supported the Viceroy, 'became overawed by the situation'. [101] On 28 June he wrote to the

[97] ibid, p229.

[98] Glendevon Viceroy at Bay, p66.

[99] Coupland Indian Politics, p20.

[100] Hodson Great Divide, p65.

[101] Moore "British Policy", p80.

Viceroy that it was possible that Congress would still refuse to accept office on the grounds that the government was refusing to meet them on a small matter. If that happened the government would be heavily criticised in Britain. He himself would be under pressure from Lothian, from Halifax and other like-minded members of the Cabinet. If the Congress continued to withhold its cooperation, the left-wing would become dominant while if the Congress did cooperate, Indians would become absorbed in administration and the gulf between Britain and nationalist India would diminish. When so much depended on the question of dismissal versus resignation, Zetland argued, it was not right to be rigid. [102] He warned Linlithgow that if the Congress did not take office, Halifax would probably persuade the Cabinet to insist upon a peace offer being made to the Congress before it authorised the Government of India to assume authority in the provinces under the emergency powers set out in Section 93. [103] (Governors could assume all powers in the provinces under Section 93 with the Concurrence of the Viceroy, but the proclamation had to be laid before Parliament.)

"Linlithgow was aghast at the letter's contents. He received it on 6th July, at the very moment when the Congress were making their decision. He had made up his mind that he could not agree to any arrangement with Congress which could be seen as being made at the expense of the minorities. He had thought his Secretary of State completely supported him. Now, at this very moment, he found Zetland was contemplating what he felt would amount to a stab in the back. He wired at once that if he was ordered to yield he would resign." [104]

The question of Linlithgow's resignation did not arise. If the united front the governments in Delhi and London had presented was developing cracks, that presented by the Congress Party so far was in danger of being split apart unless it changed its stand.

"By the Working Committee meeting of 5 to 7 July, it had become obvious even to Nehru and Gandhi that they could hold out no longer against the

[102]Glendevon Viceroy at Bay, pp64-65. There is no mention of this letter in Zetland's memoirs.

[103]Moore British Policy, p81.

[104]Glendevon Viceroy at Bay, p65.

pressure from the local and provincial leaders to accept office. The feeling among local Congressmen was 'very strong' on this issue, even in Nehru's home town of Allahabad, while five of the six P.L.A. Party leaders in the majority provinces also stressed the necessity of acceptance. Within the Working Committee, Nehru, Dev and Patwardhan still held out in opposition, but the majority felt that, although the required assurances had not been given, the weight of opinion within the Congress should be respected and offices accepted." [105]

At the Congress Working Committee meeting, Gandhi came under pressure from the right-wing to signify acceptance. Members of the right wing such as Bhulabhai Desai spoke in favour of office acceptance. Seeing that the overwhelming opinion was in favour of office acceptance, Gandhi persuaded Nehru who was opposed, to remain silent. [106] The CWC agreed to accept office unconditionally. The resolution stated that the statements made by the Secretary of State and the Viceroy since the last CWC meeting, fell short of the assurances demanded.

"The Committee feels, however, that the situation created as a result of the circumstances and events that have since occurred, warrants the belief that it will not be easy for the Governors to use their special powers. The Committee has, moreover, considered the views of the Congress members of the Legislatures and of Congressmen generally.

The Committee has therefore come to the conclusion and resolves that Congressmen be permitted to accept office where they may be invited thereto. But it desires to make it clear that office is to be accepted and utilised for the purpose of working in accordance with the lines laid down in the Congress manifesto and to further in every possible way the Congress policy of combating the new Act on the one hand and of prosecuting the constructive programme on the other." [107]

It was undoubtedly the majority view within the Congress Party in favour of office acceptance that led to the CWC resolution. If the

[105]Tomlinson Congress and the Raj, p63.

[106]Glendevon Viceroy at Bay, p67.

[107]Gwyer and Appadorai Speeches and Documents, Vol I, pp396-397.

Congress persisted in its policy of confrontation, it could not be certain of continued support from its own members.

"Lord Linlithgow certainly wanted the Congress to take office, but so now did the great majority of Congressmen. For three months they had observed the Act in operation, they had seen that the power it gave to Ministers was real power, and whatever may have been said in March, they did not really want to be prevented now by a dispute about the 'safeguards' from using that power to carry out the social programme which had been put so forcibly and successfully to the electorate." [108]

As the account above has shown, the right wing of the Congress had always been in favour of office acceptance and it was in a majority within the party. [109] For three months it had been prevented from attaining its objective but could not be held back any longer. The CWC seized on the conciliatory tone of the Viceroy's speech to announce a change.

"The majority were so anxious for a quick decision that they were unwilling even to refer the matter to the AICC. As Jawaharlal ruefully commented, the question was being considered the wrong way; not what are the reasons for accepting office, but office must be taken and therefore reasons have to be found for it." [110]

Tomlinson suggests that the emergence of the Congress Socialist Party was seen as a challenge to their authority by the right wing who used the issue of office acceptance to counter the challenge from the left wing. "Because the Congress Socialists and Nehru attacked the vague expectations of Council Entry this issue became a trial of strength between the two groups in 1936. Council Entry was no more part of Gandhi's ideal than it had been of the Socialists' plan. But the direct Congress Socialist threat to the position of the 'Gandhians' in the Working Committee made them turn to Council Entry and to office acceptance as a means of winning back the support of provincial and local Congress

[108]Coupland Indian Politics, p21.

[109]The proportion of right-wingers to left-wingers was approximately 3:1. See Pandey,B.N.(ed)(1979) The Indian Nationalist Movement, 1885-1947. Select Documents., London, Macmillan, pp161-162.

[110]Gopal Nehru, Vol I, p220.

leaders, who had little enthusiasm for the orthodox Gandhian constructive programme." [111]

Shortly after the CWC resolution, the interim ministries in the provinces in which the Congress had won a majority of seats resigned, and leaders of the Congress Party were invited to form governments. Congress ministries took office in the provinces of Madras, Bombay, United Provinces, Bihar, Central Provinces, Orissa and the North West Frontier Province. [112] Provincial autonomy was implemented in all the 11 Governors' provinces of the new constitution.

3.9 Conclusion

The above account of the implementation of provincial autonomy illustrates clearly the importance of the role played by target parties in implementation. The role of the target parties was crucial, for provincial autonomy could not be implemented unless the target parties, the political parties in India, agreed first, to contest the elections and secondly, if elected, to accept office. All the political parties had the ability, though in varying degrees, to resist implementation. Of these only the Congress party chose to resist implementation for a period of three months. The Congress Party's resistance stemmed from the activities of an interest group within the party, the left-wingers. It was the need to placate this interest group that led to the condition being attached to office acceptance and this led to a period of bargaining and negotiation that the closed nature of the decision had not led one to expect. The Viceroy came under considerable domestic pressures to make concessions to the Congress but he resisted these firmly and was prepared to resign if he was forced to make them. One can conclude that provincial autonomy was implemented because the decision enjoyed widespread support among decision-makers, implementers and target parties. There was support

[111]Tomlinson, Congress and the Raj, p55.

[112]The NWFP was a special case in that elections were won by the Red Shirts under Abdul Ghaffar Khan. The Red Shirts allied themselves closely with the Congress and during the 1937 elections, fought and won them in the name of the Congress. See Coupland Indian Politics, p121.

specially from the main target party, the Congress party. This led to the formation of Congress Ministries though no concessions to the Party's demands were made by the Viceroy in his statement of 22 June. Shortly thereafter Congress ministries were formed, and popularly elected, responsible governments were thus in existence in all the 11 provinces of British India.

Chapter 4

Federation. Making of the Decision

4.1 Introduction

The decision to establish an all-India federation was one of the two major features of the 1935 Act. In studying implementation of this decision, it is necessary to begin, as was done with the two earlier cases, with an account of how the decision was made. The focus is on the length of time taken over the decision, and the amount of controversy there was over the decision. The propositions put forward in Chapter 1 suggest these are important factors that can affect implementation. The decision on the separation of finances between the centre and the provinces had been a long time in the making because of the complexity of the issues involved; that on provincial autonomy had also covered a long period, but this had not led to controversy as it was widely acceptable to the involved parties. As the account below shows, the decision on federation was a long time in the making, and involved considerable controversy, for there was opposition to it from a number of parties.

4.2 The Simon Commission and the Dominion Status Declaration

The process was begun as it was with the other two decisions incorporated in the Act examined in the earlier chapters, with the appointment of the Simon Commission. [1] The appointment of the Commission began a reexamination of the Montford Reforms and resulted, eight years later in the passing of the Government of India Act, 1935. The fact that not a single Indian was made a member of the Simon Commission was deeply

[1] Coupland, R. (1942) The Indian Problem, London, Oxford University Press, p17.

resented in India. The Congress resolved to boycott the Commission and when members of the Commission toured India they were met with hostile demonstrations. The Commission's original terms of reference were to examine the working of the constitution of 1919. This would have restricted its review to the provinces and would have excluded the princely states. However Simon proposed an extension of the terms of reference to include relations with the states and this was accepted. Irwin is credited with being responsible for the change [2] for the Viceroy had been approached by some of the princes, who, alarmed by recent statements on British policy towards the states, had expressed a willingness to participate in discussions on constitutional reforms.

While the Simon Commission proceeded deliberately with its inquiry, political developments proceeded apace in India and nationalist demands were being expressed which showed that the opinion of the majority of Indians was at variance with that of the government. A few Indians had agreed to cooperate with the Simon Commission [3] but the rest were putting forward demands that could not be ignored. An All-Parties Conference under the chairmanship of Motilal Nehru, met in 1928 and set about drafting an alternative constitution for India. The Report, commonly called the Nehru Report, called for full responsible government, that is, for Dominion Status to be conferred immediately and not at some distant future date. [4] Two proposals of the Nehru Report, for separate electorates to be abolished, and for a strong centre with little decentralisation of central powers, were unacceptable to the Muslims. An All-India Muslim Conference produced a Muslim reply to the Nehru Report. Muslim demands were that any future constitution should be a federal one with the maximum of powers to be vested in the provinces, that separate electorates should be continued and that it was essential that Muslims be given their due share in the Central and provincial cabinets. [5] The Congress for its part, had resolved to seek 'complete independence' at

[2] Moore, R.J. (1970) "The Making of India's Paper Federation", in Philips, C.H. & Wainwright, M.D. (eds) The Partition of India, London, George Allen & Unwin Ltd, p58.

[3] See Chapter 3.

[4] Coupland, Indian Problem, pp87-94.

[5] ibid, p96.

Madras, in 1927. At its meeting in Calcutta in December 1928, the Congress demanded Dominion Status within a year and if this was not granted, it resolved to launch civil disobedience. [6]

The boycott by almost all sections of Indian opinion of the Simon Commission as well as the increasing urgency of nationalist demands led the Viceroy, Irwin, to fear that any constitution based on the Simon Report would be rejected. Discussions with moderate Indian politicians made Irwin aware that they did not share in the extremist opinions of the radicals and that they would cooperate with the Government, if the Government on its part made some conciliatory moves. It was not possible to offer any immediate reforms while the Simon Commission was proceeding with its inquiry, but an announcement clarifying the government's ultimate policy, would help detach this moderate body of opinion from the radicals, who, as the Congress resolutions indicated, were becoming steadily more hostile. [7]

Irwin went to England to confer with the British government and received the consent of the Prime Minister Ramsay MacDonald and the Secretary of State, Wedgwood Benn, to the making of his declaration on Dominion Status. Irwin made his declaration on 31 October 1929:

"I am authorised on behalf of His Majesty's Government to state clearly that in their judgement it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status."

The declaration went on to state that after the publication of the Simon Report, His Majesty's Government "will propose to invite representatives of different parties and interests in British India and representatives of the Indian States to meet them, separately or together as circumstances may demand, for purpose of conference and discussion in regard both to the British-Indian and All-Indian problems. It will be their earnest hope that by this means it may subsequently prove possible

[6] Moore, R.J. (1974) The Crisis of Indian Unity 1917-1940, Oxford, Clarendon Press, pp39-40.

[7] ibid, pp45-46.

on these grave issues to submit proposals to Parliament which may command a wide measure of general assent". [8]

Irwin was able to make his declaration despite opposition from some Liberals and Conservatives. Simon in particular was of the view that any such statement would undermine the proposals put forward by his Commission. [9] The opposition was to reappear and gather force in the months and years ahead.

"The controversy over Irwin's declaration was, in fact, the great debate over the demission of power to the non-white nations of the British empire. The avowal of Dominion Status as the purpose of the Raj represented the decision that the Empire was to become a Commonwealth of equals. Irwin had the insight, the imagination, the sensitiveness and the statesmanship to realise that there could be no other lasting basis for the relationship between the metropolitan power and her erstwhile dependencies." [10] Irwin's declaration was partially successful and gained support from the Hindu Liberals who agreed to attend the conference. The Congress, under Gandhi's leadership demanded assurances that the government would support their demand for immediate Dominion Status before it would agree to attend. When no such assurances were forthcoming, the Congress boycotted the the conference and launched a civil disobedience movement beginning with Gandhi's dramatic march to the sea at Dandi to illegally manufacture salt. [11] The Congress was declared illegal and thousands of its members were sent to jail.

The report of the Simon Commission was published in May 1930. [12] Though overtaken by events the recommendations of the Commission regarding changes at the centre are important, as members of the right

[8] Philips, C.H. (ed) (1962) The Evolution of India and Pakistan 1858-1947: Select Documents, London, Oxford University Press, pp286-287.

[9] For a detailed account of the opposition to the declaration and of how it came to be made, see Moore, Crisis of Indian Unity, pp51-94.

[10] Moore, Crisis of Indian Unity, p89.

[11] The civil disobedience movement differed from the earlier non-cooperation movement in that it involved the undertaking of such actively revolutionary acts.

[12] Report of the Indian Statutory Commission. Cmd 3568 & 3569, 1929-30.

wing of the Conservative Party based their opposition to the federal scheme that eventually emerged, on the basis of the recommendations of this Report. The Report recommended changes in the provinces - namely that provincial autonomy should be strengthened by further devolution from the centre and by the extension of ministerial control over the whole field of administration. [13] At the Centre on the other hand the Report proposed that no substantial changes be made. No responsibility was to be introduced at the Centre till it had been tried first in the provinces. The Report stated that the only type of constitution in which both the provinces and the states could be brought together was a federation. The view of the Commission was that immediate federation was not possible, but 'the ultimate constitution of India must be federal'. Keeping in mind this ultimate objective, it recommended that the existing central legislature should be reconstituted on a federal basis. The two houses of the Central legislature were to be indirectly elected by the provincial assemblies and not directly by electoral constituencies. [14] Thus the report of the Simon Commission was a continuation of earlier policy which was to extend responsibility in the provinces, but to withhold it at the Centre. The introduction of responsible government at the Centre was to await developments in the Provinces, while "the final federation of all-India was depicted as a still more distant consummation".

A lengthy despatch sent by the Government of India gave the opinion of the Viceroy and his colleagues on the proposals put forward in the Simon Report. It agreed with the major recommendations of the Report that there should be a full transfer of power in the provinces but that there should be none at the centre. It agreed too with the view of the Simon Report that federation was to be the ultimate objective, but that it was a 'distant ideal'. It differed from the Simon Report on the reconstitution of the Central legislature on federal lines, and felt that the existing system of direct elections was more acceptable in India. The despatch suggested that except for key matters such as defence, foreign affairs, the protection of minorities etc, the Government of India should rule in accordance with the

[13] Dealt with in Chapter 3.

[14] Report of the Indian Statutory Commission, Vol II, Recommendations. Cmd 3569, 1929-30.

desires of the Indian legislature and thus be 'responsive' though not 'responsible'. [15]

Nationalist opinion was further inflamed by the Simon Report and by its denial of responsibility at the Centre. However the Viceroy did manage to persuade the Liberal Hindus that the government was not bound by the proposals of the Simon Report, and that the conference would be an opportunity for British and Indian delegates to freely discuss India's constitutional future. [16]

"Assuredly, the Round Table Conference was not to be limited to the consideration of the Simon report. It was to be a free discussion of India's constitutional future. Nevertheless, as the British delegates prepared themselves it was clear that the non-governmental teams, the Liberals under Reading and the Tories under Hoare, the latter of whom were to be the chief makers of the new constitution, were basing their position on the leading principles of the Simon report: provincial autonomy, reconstruction of the central legislature on federal lines, no central responsibility and the eventual creation of an all-India federation." [17]

Thus as the various parties prepared to meet to discuss the changes to be brought about by the new constitution, the political parties in Britain were of the view that there should be no transfer of responsibility at the centre in the new constitution.

"On the British side, therefore, the only practical question of the moment seemed to be whether, pending the far-off federation, to keep the Central frame of government essentially unitary, ... or to readjust it on federal lines as advised by the Simon Commission.

Most of the Indian members of the Conference, on the other hand, wanted a more concrete and immediate response to the claim for Dominion

[15] Government of India's Despatch on Proposals for Constitutional Reform. Cmd 3700, 1930.

[16] Spear, P. (1965) The Oxford History of Modern India 1740-1947, Oxford, Oxford University Press, pp351-352.

[17] Moore, "Paper Federation", p60.

Status." [18]

At the first session of the RTC however, the distant federation became an immediate reality as the Indian delegates united behind a demand for a measure of responsibility to be granted immediately at the centre.

4.3 The First Round Table Conference

4.3.1 Delegates to the Conference

At the first RTC which opened on 12 November 1930 there were 16 delegates from Britain representing the 3 British political parties, and led by the Prime Minister, Ramsay MacDonald. There were 58 delegates from British India, who had been invited to attend by the Viceroy. They included representatives of all parties except the Congress - Liberals, Muslims, Hindu Mahasabha, Sikhs, Depressed Classes and others. Finally there were 16 delegates from Indian India representing the states. [19] The absence of the Congress meant that 'the largest and most vigorous organism in Indian politics' [20] was not represented. One historian has appropriately commented - "A Round Table Conference to evolve a constitution for India without the participation of the Congress was like enacting Hamlet without the Prince of Denmark." [21]

The policy of the Hindu Liberals was one of gaining constitutional advance through cooperation with the government. The Muslims too saw advantages in negotiations, as they had gained vital concessions from the government in the past, specially in the matter of separate electorates. It is the presence of the delegation from Indian India that requires some explanation. Earlier schemes for constitutional reform had been confined to the provinces and had left untouched the position of the states. The Simon Commission, it is true, had put forward the possibility of the two

[18] Coupland, Indian Problem, p114.

[19] ibid, p114.

[20] ibid, p113.

[21] Menon, V.P. (1956) The Story of the Integration of the Indian States, London, Longmans, Green & Co Ltd, p29.

India's coming together eventually in some sort of federation but that was seen as a possibility for the distant future, not one for immediate consideration. The princes presence was crucial and transformed the situation for it brought about a united demand from all the Indian delegates for a change at the centre, a change the British delegates were not contemplating making.

4.3.2 Role of the Princes

As stated earlier, the Government of India conducted relations with the states separately from its relations with the provinces. [22] Relations with the states were conducted through the Political Department which was directly under the charge of the Governor-General. Earlier schemes of constitutional reforms had concerned only British India. The Montford Reforms had included recommendations about the states, but these had not involved the bringing together of the two Indias. The Montford Report had recommended that relations with all states be conducted directly by the centre, thus ending the practice by which relations with some states had been conducted through provincial governments; it had also recommended that a Chamber of Princes be set up so as to end the isolation of the states from one another and to provide a forum for discussion between the princes and the Government of India. [23] The Montford Report had made no recommendations on constitutional developments in the states.

Several factors combined to make the princes willing to take part in discussions for constitutional reforms. In the first place, they could not remain isolated from the growth of the democratic movement in British India for, as the Montford Report had foreseen "hopes and aspirations may overleap frontier lines like sparks across a street". An Indian States' Peoples Conference had been formed in 1927 to seek the establishment of representative institutions in the states, and it received indirect support from the Congress. [24] Some states were subject to direct attacks

[22] See Chapter 1 - Dual nature of control.

[23] Menon, Story Indian States, pp15-17.

[24] Coupland, Indian Problem, p91.

but most to attacks against them in the press. [25]

The second factor that predisposed the princes towards participation in the discussions was their dissatisfaction with the issue of paramountcy. The Government of India, acting through the Political Department, retained the right to interfere in states' affairs whenever it considered it necessary. The princes had long sought a limitation on the exercise of paramountcy. [26] Events on the eve of the first RTC only served to alarm the princes further on this sensitive issue. Clarifications on the question of paramountcy when they came, served to reinforce it, not limit it as the princes had hoped. The Nizam of Hyderabad in seeking the restitution of the territory of Berar to Hyderabad, claimed equality of status with the Government of India. In his reply, the Viceroy, Reading, reaffirmed the supremacy of the Crown, rejected Hyderabad's claim of equality and stated categorically the right of the British Government to intervene in the internal affairs of the states. [27] An Indian States Committee had been appointed under Sir Harcourt Butler to inquire into the relationship between the rulers and the paramount power, at the same time as the Simon Commission was appointed. [28] The report of the Committee rejected the rulers' view that the states possessed all sovereign powers except those transferred with their consent to the Crown. The Committee refused to define or put limits on the concept of paramountcy and stated that - "paramountcy must remain paramount; it must fulfil its obligations, defining or adapting itself according to the shifting necessities of the time and the progressive development of the states". [29] The Committee did accept the rulers view that paramountcy was not transferable from the Crown to an Indian government responsible to an Indian legislature, and this was met with disapproval by Indian nationalists. All these factors combined to make the princes welcome Irwin's Round Table Conference initiative. In the RTC the princes saw an opportunity to have their constitutional position clearly defined.

[25] Ramusack, B.N. (1978) The Princes of India in the Twilight of Empire, University of Cincinnati, pp194-195.

[26] Moore, Crisis of Indian Unity, p27.

[27] Philips, Select Documents, pp429-431.

[28] Menon, Story Indian States, pp21-24.

[29] Quoted in ibid, p23.

4.3.3 The Demand for Federation

Negotiations between the Indian delegates began on the ship carrying them to the conference, and continued in London. By the time the conference opened, the delegates had reached agreement amongst themselves and were able to present a united front.

The initiative for the federal scheme came from the princes. It had been started in Hyderabad by the Resident, Terence Keyes, who warned of the dangers to Hyderabad if it became surrounded by democratic Hindu provinces, as it would be under the Simon scheme. Geographically surrounded by self-governing provinces, the southern states, Hyderabad, Mysore and Madras would, he argued, find themselves at the mercy of these provinces. [30] Other states too were aware of the dangers to their sovereignty if the Viceroy became responsive to a British Indian executive. The rulers were aware that it would be possible to obtain better terms in the present than in the future when they might be faced with a united and self-governing India. [31]

The initiative for federation from the princes was taken up with enthusiasm by Sapru and pursued vigorously by him. [32] Sapru had hoped to reach agreement with the Muslims and present a united Hindu-Muslim demand for Dominion Status with safeguards. But communal accord was not possible, not then and not in the years to come. He thus accepted the federation scheme. In his opening speech at the conference he called for an all-India federation and central responsibility. In speeches that followed, the princes expressed their willingness to join an all-India federation. The Muslims had long favoured a loose scheme of federation so that they too responded positively to the proposal. Thus at the first RTC a united demand was presented by the Indian delegates which called for a radical change at the centre, while the governments, both in London and in Delhi were contemplating constitutional advance in the provinces alone.

[30] Moore, Crisis of Indian Unity, p136.

[31] For details of various federal schemes that were mooted, see Moore, Crisis of Indian Unity, pp132-144.

[32] ibid, p145.

The princes motives in accepting federation were that they hoped to get by indirect means what they had failed to get by direct approaches to the Government of India, a limitation of paramountcy and thus, implicitly, an enlargement of their sovereignty. They were, observers at the RTC agreed, more concerned with escaping from the dictation of the Political Department than with the proposed federation. "To many of them, federation seemed to be a device that would drastically reduce the power of the Political Department in states that were federal units and consequently were enjoying direct access to the central executive and legislature." [33] Few realised that federation too would involve some loss of sovereignty. Some even thought they would derive financial benefits by joining a federation. [34]

4.3.4 Acceptance of Federation

The princes participation in the proposed federation made the scheme more acceptable to the British delegates who had come to the Conference with little thought of yielding responsibility at the Centre. Labour was in favour and the Liberal delegates under Reading, who had feared a demand for Dominion Status gave their support to the grant of central responsibility with safeguards, within an all-India federation. The Cabinet recommended that apart from sensitive subjects such as defence, foreign affairs and finance, which could be reserved, the rest could be transferred to Indian hands and thus dyarchy would be introduced at the Centre. There was agreement between British and Indian delegates that a period of transition was necessary during which some powers would remain in British hands. [35]

At this point Simon pointed out to Hoare the danger of accepting a federation with the princes in it, a withdrawal of the the princes, and a claim by British India alone for the grant of central responsibility.

"Simon advised Hoare: 'Try to get out of the Conference general resolutions in favour of federation of all-India and provided that all-

[33] Ramusack, Princes of India, p201.

[34] Menon, Story Indian States, p28.

[35] Moore, "Paper Federation", pp61-62.

India is federated, then a cautious acceptance of Government corresponding to responsible Government'. Here was the origin of the princes' 'veto' on British India's constitutional development, the central provision of the federal section of the Act of 1935." [36]

Implementation of federation would require, as a first necessary condition, the accession of the princes.

While the developments at the first RTC were readily accepted by the Labour and Liberal parties, there was opposition within the Conservative Party that needed to be overcome. The Conservative Party had based its position on the Simon Report and thus was opposed to the granting of responsibility at the centre. Hoare realised that it would be difficult to move the Party from its attachment to Simon's irresponsible 'strong centre' but felt too that the Conservative Party could not be isolated as the other parties showed a willingness to meet Indian demands. It would, he felt, be better for the party to accept a change at the centre but to limit it to a minimum. In a memorandum to the Conservative Party Business Committee, Hoare stressed that Britain need yield only a semblance of responsible government. It could keep real power in its own hands by keeping control over the army and over finance and by giving the Viceroy a range of overriding powers. He pointed out to his party members that they could insist that the granting of responsibility could be made conditional on the federation being in existence. Such a federation would take years to be established and in the interim the status quo would continue. [37] The Conservative Party cautiously accepted the federal scheme but an interest group within it was opposed to changes at the centre and was to remain opposed.

The main issue having been decided, the work of the Conference was carried out by a number of subcommittees. The most important of these was the Federal Structure Subcommittee, with Lord Sankey as Chairman, which drew up a provisional scheme of federation. There were other subcommittees such as the Sind, Defence, and Services subcommittees. One subcommittee

[36] Moore, "Paper Federation", p62.

[37] Moore, Crisis of Indian Unity, p155.

alone failed to reach agreement, the Minorities subcommittee. No solution was found to the Muslims demands that their communal rights be safeguarded in any new constitution, and the communal problem was left to be settled later.

The first session of the RTC closed on a note of accord and general agreement among the delegates except on the communal question. Agreement on the all-India federation with safeguards had however been reached without consulting the main political force in India, the Congress Party; public pronouncements on the issue had revealed that Congress demands went far beyond what Britain was prepared to concede. In contrast, the diehards in the Tory party led by Winston Churchill were of the opinion that even the small transfer of responsibility agreed to at the conference went too far. The princes for their part had accepted federation without considering the implications this would have for their states. There was consensus at the first RTC on establishing a federation but the foundations on which the consensus rested were unsound.

4.4 The Second Round Table Conference

After the close of the first session of the Round Table Conference, Sapru, on his return to India, acted as peacemaker between the Congress leaders and Irwin. Nehru remained hostile, but Gandhi showed a willingness to enter into talks with the Viceroy. A series of meetings between Gandhi and Irwin took place and resulted in the Gandhi-Irwin pact. Gandhi agreed to call off civil disobedience and to participate in discussions at the Round Table Conference. The Viceroy agreed to the release of all political prisoners except those convicted of crimes of violence. [38] At a subsequent Congress session in Karachi, Gandhi obtained Congress ratification of the pact and he was appointed the sole Congress delegate to the conference. Gandhi had agreed to consider the federal scheme evolved at the first RTC, but he regarded the scheme as a provisional one. He retained the right to negotiate on issues agreed at the RTC such as reservations and safeguards. Gandhi was well aware that the left wing of

[38] Spear, History Modern India, p352.

the Congress Party was strongly opposed to measures by which Britain would continue to hold power at the centre. [39]

At the second session of the Conference "it was hoped that through his [Gandhi's] mediation some compromise might be attained between the policy of the Conference - if the scheme which had emerged from its first session can be so described - and the policy of the Congress." [40]

No compromise was however possible as Gandhi rejected the idea of a period of dyarchy at the Centre. He demanded that Indians be given control over defence and foreign affairs and that responsible government at the Centre (as in the provinces) be established immediately. [41] The Congress demand was for the essence of dominion status to be granted immediately. Britain on the other hand had come prepared to make changes at the provincial level, not at the centre, but had agreed to federation and a formula of responsibility with safeguards. The gulf between Congress demands for changes at the Centre and those the government was prepared to concede became apparent.

Not only was the gulf extremely wide, changes in the government in Britain made it unlikely that it would be bridged. Before the second session of the RTC met, the Labour Government in Britain had been replaced by a National Government. Ramsay MacDonald was still Prime Minister, but the Conservatives were in a majority and Samuel Hoare had become Secretary of State. [42] Hoare was cautious in his attitude toward federation and concerned about opinion in the Tory Party. From the beginning he had put it to them that Britain need only concede a semblance of responsible government. There was, as a result, not so much any change of policy on the part of the government as in the 'tone of approach'.

"The language of positive achievement and conscious movement towards a goal was replaced by cautious provisos, anxious care in devising

[39] Moore, Crisis of Indian Unity, pp184-185.

[40] Coupland, Indian Problem, p124.

[41] ibid, p125.

[42] Butler, D. & Sloman, A. (1980) British Political Facts 1900-1979, 5th edition, London, Macmillan Press Ltd, pp 18-22 and p 207.

safeguards, and absorption in schedules and tables." [43]

Gandhi also failed to reach accord with the Muslims and the communal issue remained unsolved though it was to this that most of the time at the Conference was devoted. With little achieved, Gandhi returned to India. [44]

During Gandhi's absence, a no-rent campaign had been started in the United Provinces, and a militant organisation, the Red Shirts had become active in the NWFP and had made common cause with the Congress. On his return Gandhi found that conciliation had given way to confrontation. Irwin, who had been responsible for persuading the Congress to participate in the Round Table discussions had been succeeded by Willingdon. Willingdon was unwilling to be as conciliatory as Irwin. The new Viceroy would consider further talks with Gandhi only if he denounced his Congress colleagues. This Gandhi could not do and by early 1932 Gandhi and several other Congress leaders were back in jail. [45] The Congress was to take no further part in the negotiations for federation.

Despite the renewal of civil disobedience in India, preparations went ahead for the final stages of the conference. Three committees, the Franchise Committee under Lord Lothian, the Federal Finance Committee under Lord Eustace Percy and the States' Inquiry Committee under Mr J.C.C. Davidson visited India and drafted reports. Since no agreement had been reached between the communities on the communal question, the government decided to proceed unilaterally. The Prime Minister, Ramsay MacDonald, announced a scheme for communal representation known as the Communal Award, by which separate electorates were retained for the minority communities. There were to be separate electorates for the Muslims, even in Bengal and the Punjab where they were in a numerical majority. 'Weightage' was conceded to Muslims in Provinces in which they were in a minority, and to the Sikhs and Hindus in the Punjab. The extension of separate electorates to the Depressed Classes, who were now recognised as a

[43] Spear, History Modern India, p353.

[44] Coupland, Indian Problem, p126.

[45] Moore, Crisis of Indian Unity, p248.

minority community, was opposed by Gandhi and the Communal Award was modified by the Poona Pact. [46]

4.5 The Third Round Table Conference and White Paper

After the expert committees had drafted their reports, the government had the necessary information to prepare an India Bill. Hoare was in favour of proceeding unilaterally in framing proposals in the form of a White Paper to be put before Parliament. The Hindu Liberals, aware of the stiffening of the government's attitude, declared this to be too authoritarian a way of proceeding and demanded a third conference. The Viceroy, Willingdon, faced with the hostility of the Congress, thought it essential to keep the support of the moderate Liberals. In November 1932, a third session of the RTC was held in London. [47]

The third session of the RTC was attended by only 46 delegates. The Congress was once again absent. The princes too stayed away and were represented by their ministers. There were representatives of Hindu Liberals, Muslims, the various minorities in India, and representatives of the British Government.

By this time, the provincial constitutions were more or less settled. Discussions at the third session were concerned with details of the organisation at the centre, in the light of the reports of the Franchise, Finance and States' Inquiry Committees. It was agreed to extend the franchise and to ensure that a substantial proportion of women received the vote. Elections to the Federal Upper Chamber were to be indirect, its members were to be elected by Provincial legislatures, while elections to the lower house were to be direct. On the question of residuary powers, there was a difference between the Hindus and Muslims, with the Hindus wanting them to be allocated to the centre and the Muslims wanting them to go to the provinces. This was resolved by giving the Viceroy the power to decide in cases as they arose. The safeguards were discussed and the

[46] Coupland, Indian Problem, p128.

[47] Moore, Crisis of Indian Unity, pp253-261.

special powers and responsibilities of the Viceroy and the Governors were precisely defined. [48]

"The conference achieved little by way of agreed solutions to the outstanding constitutional problems." [49] It did clear the way for the stages necessary to parliamentary legislation. The first stage was the preparation of a White Paper embodying the government's proposals to be presented to Parliament. A joint committee of both houses would examine the proposed legislation, then, finally, a bill would be prepared and placed before Parliament.

With the end of the Round Table Conference, the process of consultation with parties in India came to an end. When the conference opened, the British Government had not been contemplating changes at the centre, but only in the provinces. Developments at the first session of the conference had resulted in bringing federation from the distant future to a more immediate possibility. British delegates then accepted that a new constitution would bring changes both in the provinces and at the Centre, but made federation conditional on safeguards. This change was bitterly opposed by a section of the Conservative party. A change in government led to the Conservative party becoming the dominant party in Britain so that emphasis was placed on the safeguards in the federal scheme. The Congress Party on the other hand was opposed to the proposed safeguards and objected to a period of dyarchy at the centre. After a brief appearance at the second session of the Conference, the Congress Party had resumed civil disobedience as a path more likely to lead to an attainment of its goal. There was a consensus on the establishment of an all-India federation at the Round Table Conference but there was considerable opposition to it, both in Britain and in India, outside the Conference. As the general agreement reached at the conference took concrete shape in the form of an Act to be placed before Parliament, more opposition arose. This came from the princes who became alarmed when they began to realise the implications of federation. [50]

[48] Coupland, Indian Problem, p129.

[49] Moore, Crisis of Indian Unity, p288.

[50] The change in the princes attitude to federation is dealt with in Chapter 5.

In March 1933, the White Paper, which contained the official proposals for Indian Constitutional Reform, was published. It contained an outline of the new constitution to be submitted to Parliament. The scheme incorporated in the White Paper had evolved during discussions at the RTC and thus went beyond the recommendations of the Simon Commission. While the provinces were to be granted autonomy as recommended by the report of the Commission, there were to be changes too at the centre. A federal government was to be established with a measure of responsibility. A condition was laid down for the establishment of the federation, namely that rulers representing not less than half the population of the states and entitled to not less than half the states' seats in the upper house were to have acceded before the federation could be established.

4.6 Dissidence within the Conservative Party

4.6.1 Opposition to policy towards India

In India, the main opposition to the proposals that emerged from the Round Table Conference came from the Congress, but it had little opportunity for making its opposition to federation felt at this stage. It was however the principle party involved in implementation and its role is considered in the next chapter, as is the role of the princes. The dissidents in the Conservative Party on the other hand, had ample opportunity to oppose the scheme of federation as it went through the various parliamentary stages. They attacked the principle of central responsibility at every stage. Their activities were not confined to Parliament and they tried to mobilise opinion within the Conservative Party against the proposed changes at the Centre. Though they failed to prevent the passing of the Act, they did succeed in delaying its passing two years beyond the target date set by Hoare. [51]

The dissidents in the Conservative Party formed an important interest group that was opposed to the scheme of federation - "the dissidents were

[51] Moore, Crisis of Indian Unity, p297.

all united in resisting any grant of responsibility at the centre". [52] It is necessary to examine the role of this interest group, to trace opposition of the diehards [53] to changes at the centre, and to examine whether it was carried through to implementation of federation.

Irwin's declaration on dominion status, had the support of the leader of the Conservative Party, Stanley Baldwin, but opposition to the reference to dominion status was expressed by several prominent members of the party. Leading Conservatives, Peel, Salisbury and Birkenhead criticised the declaration in a debate in the House of Lords. Newspapers which supported the views of the party, the Daily Mail and the Daily Telegraph were also critical of the declaration. Stanley Baldwin made it clear in a debate in the House of Commons that he had given his personal support to the declaration but had not pledged the support of his colleagues in the Conservative Party. [54]

The first session of the Round Table Conference, it has been seen, brought unexpected developments - a demand from the Indian delegates for an all-India federation. Hoare argued in favour of accepting the demand at Business Committee meetings of the Party where policy towards India was discussed. Though Hoare stressed the safeguards, Churchill was opposed to any changes at the Centre. [55] Hoare was of the view that with the other parties supporting federation, the Conservative Party could not be isolated by insisting on the Simon scheme with no changes in the central government.

In a debate in the Commons on the results of the first session of the RTC, Hoare, aware of the opposition in the party to the question of responsibility at the centre, was careful not to commit himself to it. He

[52] Ghosh, S.C. (1972) Decision-Making and Power in the British Conservative Party, Calcutta, Oceania Publishing House, p29.

[53] Ghosh classifies the dissidents in the Conservative Party into Members of Parliament, die-hards in the Lords and retired officials, but makes it clear that the classification is not rigid - for example, some MPs were also diehards. Since the diehards were the most active and vociferous in opposing policy towards India, all dissidents are commonly referred to as diehards.

[54] Ghosh, Decision-Making and Power, Chapter VI.

[55] ibid, p118.

cautiously stated that agreement had been reached on the need to establish an all-India federation but stressed that details such as safeguards remained to be settled. Nevertheless Churchill attacked the RTC and suggested that the only immediate steps to be taken should be along the lines indicated in the Report of the Simon Commission. Baldwin then personally intervened in the debate, argued that Churchill did not represent the views of the party, and pledged that if the Conservative Party came to power, he would work for the establishment of a federal system in India. The breach between Baldwin and Churchill became open and shortly thereafter, Churchill resigned from the Shadow Cabinet. [56] It was accepted that there was a definite difference of opinion in the Conservative Party on policy towards India.

The Gandhi-Irwin talks after the first RTC were attacked by the dissidents and Churchill expressed anger at the Viceroy, the representative of the King-Emperor, negotiating on equal terms with a 'half-naked fakir'. Churchill declared war on Baldwin and his India policy and announced his intention to marshal British opinion against it. He was supported by other diehards in the party such as Lloyd and Page-Croft. [57]

At the second RTC, when there was a failure to reach accord between Hindus and Muslims, the dissidents in the Conservative Party were quick to seize on this to ask for a postponement of constitutional reforms. Churchill suggested to Hoare that provincial autonomy should be conceded but that changes at the centre should only come after Indians had reached agreement amongst themselves. [58]

The government had stated that there would be a debate after the White Paper was published. Before its publication, Page-Croft moved a private members' motion for a vote in the Commons in favour of the Report of the Simon Commission. He made clear his opposition to the policy adopted at the RTC. His view was that changes at the centre meant the end of British

[56] ibid, pp132-135.

[57] ibid, pp141-143.

[58] ibid, pp156-158.

rule and influence in India and he expressed concern that the safeguards would not be real. [59]

In March 1933, the White Paper, setting out the proposals for constitutional change was published. On 30 March there was a debate in the House of Commons on the White Paper. Page-Croft spoke against the proposals, implored the house not to go ahead with the White Paper and again gave his opinion that the safeguards would not be effective. [60] Page-Croft was responsible for initiating the moves that led to the formation of the India Defence League in March 1933. It consisted of members of the House of Commons who were opposed to the proposed changes at the centre. [61]

In accordance with agreed procedure, after publication of the White Paper, Samuel Hoare moved a motion for the appointment of a Joint Select Committee to examine and report on the proposals of the White Paper. The diehards caused a debate upon this that lasted for 3 days thus giving 'unmistakeable warning' of their determination to continue fighting to the bitter end. [62] Hoare tried to persuade some of the diehards to become members of the Joint Select Committee but Lloyd and Page-Croft both refused. Page-Croft felt he could not be a member and endeavour to rouse the country against the White Paper. [63]

The Joint Select Committee met from April 1933 to November 1934. There was a break in the proceedings of the committee for several weeks in the spring of 1934. It is convenient to deal with this break here, though the proposals of the Joint Select Committee are dealt with later, as it formed part of the attack by the Conservative opponents of policy towards India. This brought into the picture, the Manchester Chamber of Commerce, a pressure group associated with the Conservative Party.

[59] Croft, H.P. (1948) My Life of Strife, London, Hutchinson & Co Ltd, pp216-219.

[60] ibid, pp225-226.

[61] ibid, pp222-223.

[62] Ghosh, Decision-Making and Power, pp159-160.

[63] Croft, Life of Strife, pp226-227.

4.6.2 Manchester Chamber of Commerce

The Manchester Chamber of Commerce was an important pressure group associated with the Conservative Party. [64] India was then the largest market for the Lancashire cotton textile industry, and any increase in the import duties of cotton in India was bound to severely affect the industry.

After the granting of fiscal autonomy to India by the Fiscal Autonomy Convention of 1919, [65] the industry had had to concede the Government of India's right to levy import duties on cotton. The absence in the White Paper of safeguards for the Lancashire cotton trade had caused some anxiety. During the first half of 1933, the Manchester Chamber of Commerce, which represented the interests of the Lancashire cotton industry (the Chamber was in fact dominated by the cotton trade), made representations to Hoare to secure modifications of India's fiscal autonomy, but Hoare made it clear that the government could not interfere.

The Chamber then decided to seek safeguards from the Joint Select Committee. The Chamber prepared evidence to be put before the Committee, stressing the need for safeguards to protect its cotton trade, and for the imposition of restrictions on India's tariff autonomy. However, the Chamber changed its mind at the last moment on the advice of a Textile Mission that had been sent to Bombay by the Chamber. The textile mission found that a favourable atmosphere was being created in India and that if the evidence that had been prepared by the Chamber was presented before the Joint Select Committee, it would have a detrimental effect on the negotiations. The Chamber then decided to modify its evidence before the Joint Select Committee.

Churchill accused Hoare of tampering with the evidence of the Manchester Chamber of Commerce. He complained that the Chamber had altered its evidence to the Joint Select Committee after pressure from Hoare and

[64] Ghosh, Decision-Making and Power, Chapter IX, gives a detailed account of the involvement of the Manchester Chamber of Commerce in this issue.

[65] See Tomlinson, B.R. (1979) The Political Economy of the Raj 1914-1947, London, Macmillan, pp 60-61.

Derby. He complained that this amounted to breach of parliamentary privilege since it amounted to tampering with witnesses who were to give evidence before a committee of both houses. The matter was referred to the Committee of Privileges and there was a break in the proceedings of the Joint Select Committee while the matter was investigated. The Committee of Privileges cleared Hoare, for it concluded the Chamber had modified its evidence on the basis of advice received from the mission in India.

"On the face of things the question of breach of privilege was a technical one. In fact, what was involved was the White Paper policy,

Churchill, by a masterly use of parliamentary procedure, sought to undermine the White Paper policy. If he could establish his charges, Hoare would have to resign from the Secretaryship of State for India and Derby from the Joint Select Committee, and a large part of the evidence already given would have been so suspect that perhaps nothing less than a reconstitution of the Committee would have restored public confidence." [66]

4.6.3 Rank and File of the Conservative Party

The dissidents also tried to mobilise the rank and file of the Conservative Party against the government's policy towards India. Once the White Paper had been referred to the Joint Select Committee, there was no further opportunity for discussion in Parliament till a Bill was laid before the House. The dissidents had failed to get the support of the majority of Conservative MPs. They now turned their attention to the members of the party. The opponents of the government's India policy had by now organised themselves into the India Defence League and they made a tremendous effort to gain support in the party. Some of their activities are mentioned here.

At the Birmingham Conference in October 1933 (Annual Conference of the National Unionist Association), Page-Croft wrote a pamphlet, "The Salvation of India", attacking the government's policy, and tried to have

[66] Ghosh, Decision-Making and Power, p163.

it widely circulated. [67] At the Conference, the members of the India Defence League concentrated on the safeguards; by making the safeguards sufficiently extensive, they could undermine the scheme of responsibility at the centre. A proposal put by the India Defence League was overwhelmingly defeated at the conference. [68]

At the Bristol Conference in October 1934, Page-Croft tabled a resolution condemning the White Paper policy even though "It looked as if the fight for India was lost." [69] To everyone's surprise, including Page-Croft's, the resolution was defeated by a very narrow margin, by 543 votes to 520. [70] The voting reflected the apprehensions that many Conservatives felt about India, apprehensions that the dissidents had worked upon over the years.

When the report of the Joint Select Committee was published in November 1934, it was clear that it had taken note of the apprehensions of the rank and file members of the Conservative Party, for it included a stiffening of the safeguards. At a meeting of the Central Council to consider the Report of the Joint Select Committee, the dissidents were defeated and the Report was overwhelmingly endorsed by the Party. [71]

"Thus ended the fight to secure the support of the Party machine in the country." [72]

4.6.4 Motives for opposition

The motives of the opponents of changes at the centre in India and the grant of a measure of responsibility may be briefly examined. Opposition to the scheme of federation—from the right wing of the Conservative party was based on the fear that it would lead to India being lost to the Empire. This the diehards were determined to prevent.

[67] Croft, Life of Strife, pp232-233.

[68] Ghosh, Decision-Making and Power, pp193-195.

[69] Croft, Life of Strife, p240.

[70] ibid, p240.

[71] Ghosh, Decision-Making and Power, p202.

[72] Croft, Life of Strife, p241.

Churchill undoubtedly felt a deep sentimental attachment towards the Indian Empire, and to the power and glory that the possession of India gave to the British people. [73] Page-Croft writes that he could not "tamely stand by and see the end of British rule in India, which is the keystone of the Imperial arch!" [74]

Speaking in a debate in the Commons, Page-Croft said: "The only organised political force in British India at the present moment is Congress, and if we blunder into self-government today we hand over the government of that great country to a political machine which is intent upon secession from the Empire,

The National Government received an emphatic mandate to save the nation. They received no mandate to break up the Empire." [75]

Thus many diehards opposed federation because they felt it would weaken Britain's hold over an Empire that they were committed to keeping. "Some of this opposition was grounded on the desire that the meteor flag of England should still terrific burn above the citadels of India." [76]

Not all the opposition though was based on the desire to maintain Empire. The antagonism between Churchill and the Conservative leader Baldwin, was well known. In attacking policy towards India, many of the dissidents, particularly Churchill and the Press Lords were impelled by their antipathy towards Baldwin. Churchill used the India issue to attack Baldwin's leadership. [77]

"Most of those who supported the Empire Crusade or denounced Indian Reform really had other things in mind, and their public statements are in a code which has to be broken into its true meaning: concern to hold power for the party and to win power in the party for the authors of the

[73] Ghosh, Decision-Making and Power, pp29-30.

[74] Croft, Life of Strife, p216.

[75] ibid, p220.

[76] Gallagher, J. (1982) The Decline Revival and Fall of the British Empire, Cambridge, Cambridge University Press, p122.

[77] Ghosh, Decision-Making and Power, pp25-26.

statements." [78]

Thus while some opponents of the government's policy were motivated by considerations of Empire, others such as Churchill used the issue to challenge Baldwin's leadership.

4.7 Joint Select Committee and the India Bill in Parliament

After the publication of the White Paper in March 1933, a Joint Select Committee of both houses of Parliament was appointed under the chairmanship of Lord Linlithgow to examine its proposals. It was in session for a period of eighteen months, with a break in its proceedings when Churchill made his allegations of breach of privilege against Hoare.

Of the members of the Committee, Salisbury, one of the leading diehards, proposed that central responsibility be abandoned, while those not so much on the right such as Derby, Zetland and Austen Chamberlain sought to make the centre more conservative. The Committee substantially retained the proposals set out in the White Paper, but it did make some changes. It substituted indirect elections by provincial legislatures for seats allotted to the provinces in the lower house, the federal assembly, thus advocating indirect elections for both houses. These changes made the centre closer to that envisaged by the Simon Report. [79]

The Joint Select Committee also incorporated in its report a stiffening of the safeguards. This was to allay the apprehensions of the bulk of the Conservative Party. Governors were given the power to take control of any branch of government necessary to combat terrorism. The consent of the governor was required for any legislation affecting the police. Included among the Governor General's special responsibilities was the prevention of measures that would subject British goods imported into India from Britain to discriminatory treatment. [80]

[78] Gallagher, Decline Revival Fall, p119.

[79] Moore, "Paper Federation", p75.

[80] Ghosh, Decision-Making and Power, pp202-203.

The report was drafted by the Chairman and adopted with only a few minor amendments. Major amendments, which were virtually alternative drafts of the Report were proposed, but rejected. These came from the representatives of the Labour Party and those of the diehards. [81] The view of the Labour representatives was that the proposals did not go far enough in meeting Indian demands, while the diehards thought they went too far. These two viewpoints represented the two extremes. The Labour Party representatives wished to go much further in meeting Congress demands which were for the grant of virtually complete responsibility at the centre. The diehards, it has been seen, were opposed to any responsibility at the centre being transferred to Indian hands.

A Bill incorporating the recommendations of the Joint Select Committee was introduced in Parliament on 19 December 1934. Debates on the bill lasted 43 days in the House of Commons and for 13 days in the House of Lords. [82] At every stage, the passage of the bill was opposed by the diehards led by Churchill in the Commons and by Salisbury in the Lords. Page-Croft, one of the most active dissidents, writes that he made no less than 280 short speeches during the committee stage of the Bill. [83] As the Bill proceeded through its various stages, the diehards had to concede that they would not be able to prevent it from becoming law, the majority in both houses was in favour of the Bill. On 4 August 1935, the Bill received the Royal assent.

4.8 Federation under the 1935 Act

Part II of the Government of India Act, 1935 [84] (Part I was Introductory) dealt with the creation of an all-India Federation.

It stated that the Federation of India could only come into being when an address to the Crown by Parliament asked for a proclamation to this

[81] Coupland, Indian Problem, p133.

[82] ibid, p133.

[83] Croft, Life of Strife, pp251-252.

[84] Government of India Act, 1935 (1938) New Delhi, Government of India Press.

effect. At the very beginning, it set out a condition which was to be fulfilled before Parliament could make such a request to the Crown. The condition was that rulers representing not less than half the total population of the Indian states and entitled to one half of the seats allotted to them in the Upper House of the Federal legislature, the Council of States, had executed Instruments of Accession. [85] This was the veto granted to the princes. Unless a sufficient number of them acceded, federation could not be established.

A state was to accede to the Federation by executing an Instrument of Accession empowering the Federal Government and Legislature to exercise authority over it in accordance with the Act. The authority of the Federation over the states was confined to matters set out in the Federal list [86] and there could be limitations on the exercise of this authority as set out in a ruler's Instrument of Accession. [87]

To further safeguard the rights of the states, a new post was created, that of the Crown Representative. In federal matters, as members of the federation, the states were to deal with the Governor-General, but in non-federal matters they were to deal with the Crown Representative. The Act permitted one person to hold both posts. [88]

Executive authority in the Federation was to be exercised by the Governor-General in association with a council of ministers. The Ministers were to be appointed by the Governor-General and they were to hold office during his pleasure. [89] The Governor-General had 'special responsibilities' in which he was to exercise his individual judgement as to the action to be taken. These special responsibilities included the prevention of any grave menace to the peace or tranquillity of India, the safeguarding of the legitimate interests of the minorities, the safeguarding of the financial stability and credit of the Federal Government and the prevention of discriminatory or penal action against

[85] ibid, Section 5.

[86] ibid, Seventh Schedule.

[87] ibid, Section 6.

[88] ibid, Section 3.

[89] ibid, Sections 9 and 10.

the import of British goods into India. [90]

The Governor-General was to act in his discretion in all matters related to defence, external affairs and ecclesiastical affairs. In these reserved matters ministers did not have the right to advise the Governor-General who was to be assisted instead by three Councillors appointed by him. [91] Dyarchy which had been abolished in the provinces by the 1935 Act, was thus to be introduced at the Centre.

In relation to matters in which the Governor-General was required by the Act to act in his discretion or to exercise his individual judgement, he was to continue to be under the supervision and control of the Secretary of State and responsible to Parliament. [92] In all these matters Britain continued to exercise control and Indians were excluded. These were the safeguards to which the Congress was opposed.

The Federal Legislature was to be bicameral. The Upper House, the Council of State, was to consist of 156 representatives from British India and not more than 104 representatives of the Indian States. The Council of States was to be a permanent body, not subject to dissolution but with one-third of its members retiring every three years. [93] Of the British Indian representatives, 6 were to be nominated by the Governor-General and 10 were given to the Anglo-Indian, European, and Indian Christian communities in British India as a whole. The remaining 140 seats were distributed among the Provinces, mainly on a population basis and were to be filled by direct elections. [94] Representatives of the states were to be appointed by the rulers and the seats were allocated to individual states or to groups of smaller states. [95]

The Federal Assembly was to have 250 representatives from British India and not more than 125 representatives from the Indian States. The Federal

[90] ibid, Section 12.

[91] ibid, Section 11.

[92] ibid, Section 14.

[93] ibid, Section 18.

[94] ibid, First Schedule.

[95] ibid, First Schedule, Part II.

Assembly was to have a maximum life of 5 years. [96] The representatives of British India were to be indirectly elected. The representatives of the States were to be appointed by their rulers. The allocation of seats among the states was set out in the First Schedule.

In both chambers, in the election of British Indian representatives, separate electorates were maintained. In both the Council of State and the Federal Assembly, British Indian seats were distributed according to communities and interests. Muslims, Sikhs, Anglo-Indians, Christians, landholders, commercial groups and women, all had separate electorates, while the scheduled castes had a reserved quota among the general seats. [97]

The scope of Federal legislation was limited to the subjects enumerated in the Federal and Concurrent lists. [98] Residuary powers were not allotted to the centre or to the provinces but the Act authorised the Governor-General to determine which legislature was to deal with a particular subject as and when the issue arose. [99] There were a number of restrictions on the exercise of legislative powers by the Federal Legislature. After a Bill had been passed by both Chambers, the Governor-General could give his assent to the Bill, return it for reconsideration to the Legislature, withhold his assent or reserve the Bill for the signification of His Majesty's pleasure. [100] The Governor-General was given special legislative powers. In matters in which he was to exercise discretion or to act in his individual judgement, if he felt it was essential to make provision by legislation, he could enact on his own authority a permanent legislation called the 'Governor-General's Act'. Such a measure would become law after one month even if rejected by the legislature. Any such measure enacted by the Governor-General, on his own authority had to be sent to the Secretary of State and laid before Parliament. [101]

[96] ibid, Section 18.

[97] ibid, First Schedule.

[98] ibid, Section 100.

[99] ibid, Section 104.

[100] ibid, Section 32.

[101] ibid, Section 44.

Annual financial statements were to be presented to both chambers. The Legislature could discuss but not vote on matters such as the salary of the Governor-General, expenditure relating to defence, ecclesiastical, and external affairs. The estimates of other expenditure were to be submitted, in the form of demands for grants to the legislature, but the Governor-General had the power to restore any grant rejected by the legislature on the grounds that it affected the discharge of his special responsibilities. [102]

4.9 Conclusion

The evidence presented in this chapter shows that there was considerable controversy about the decision to establish an all-India federation, one of the two major decisions incorporated in the 1935 Act. While the main political parties in Britain acquiesced in the scheme of federation, an interest group within the Conservative Party, the diehards, was totally opposed to any changes at the centre. This group made its opposition felt at every stage, attacked the Government's policy through newspapers sympathetic to its views and tried to gain support from the rank and file of the Conservative Party. The diehards were a minority within the Party and thus failed to prevent the decision from being taken, but their opposition left its mark. The delays in the passing of the Act because of the opposition of the diehards to changes at the centre have been generally recognised.

There was opposition to federation too, from the Congress Party. The government had rejected the conditions laid down by the Congress, and the Congress had refused to attend the Round Table Conference. Instead, the conciliatory policy towards the Congress adopted by Irwin had been replaced by strong tactics to crush civil disobedience in India. With the Conservatives in power, this policy of repression found support in Britain (it satisfied the Tory demand for strong government). The Congress made its opposition felt by staying away from the conference table. The scheme of federation which was finally embodied in the Act had been evolved

[102] ibid, Sections 33, 34 and 35.

without the participation of the Congress. The Congress was however, the main political force in India and would be the principle party involved in implementation.

The princes attendance at the Round Table Conference had led to the federal scheme being adopted. Their initial enthusiasm rapidly faded when the realities of joining a federation began to become clear. From being enthusiastic at the beginning of the first RTC, they became indifferent and by the time the Bill was in Parliament they had become hostile. [103] Yet the princes had been given a veto over the establishment of federation. Their agreement was going to be necessary if federation was going to be implemented.

One party had supported federation throughout from its initial conception at the first RTC till it was incorporated in the 1935 Act. This was the Hindu Liberals, led by Sapru, who had played a dominant role in the making of the decision on federation. They were a small party with little popular support and thus could play only a small part in implementation.

Finally, there were the Muslims. With Muslims and Hindus unable to reach agreement on the communal issue, the government had proceeded unilaterally and conceded the Muslim demand to continue the scheme of separate electorates. In the provinces, they were in a position of supremacy in the 4 provinces in which they were in a majority, and in the others they enjoyed separate electorates and weightage. [104] At the federal level, though the Muslims demand for a loose federation was not met (the Muslim demand had been for residuary powers to be granted to the the provinces), they were given weightage so that together with the princes, they could prevent Congress domination at the Centre. The Muslims thus supported the decision on federation as it stood.

In his declaration on Dominion Status Irwin had expressed the hope that the RTC would lead to proposals being submitted to Parliament which would 'command a wide measure of general assent'. Instead, as the account above

[103]The princes attitudes are considered in greater detail in the next chapter.

[104]Dealt with in Chapter 3.

shows, the passage of the proposal to establish an all-India federation, from initial suggestion to embodiment as a formal decision, had been marked by controversy and delay. Despite the consensus at the first RTC, there was little support for the decision by the time the long period of decision-making finally came to an end on 4 August 1935.

Chapter 5

Federation. Implementation.

5.1 Introduction

The previous chapter dealt with the making of the decision on federation. In examining implementation, it is necessary, as in the two cases examined earlier, to attempt to answer the questions raised by the propositions set out in Chapter One. It is necessary to see if the amount of time available for implementation was long or short; to ask if the decision was an open or a closed one; to identify the agents and target parties involved in implementation, and to examine whether there was cooperation from agents or resistance from target parties. The involvement of organisations and interest groups is also examined, in particular, the manner in which they became involved and whether they had influence. In short it is the propositions that guide the following account of the efforts to implement federation.

5.2 Time available for implementation and nature of the decision

Unlike provincial autonomy and the other decisions which were to be implemented by 1 April 1937, [1] no date was set by which the proposed federation was to be established. An attempt had been made at the third session of the Round Table Conference, to set a date by which the princes should enter a federation, but it had been unsuccessful. Sapru, one of the main advocates of federation, had suggested that an accession deadline should be written into the bill. If a sufficient number of princes had not joined within one year, he had suggested, a British Indian federation

[1] Coupland, R. (1942) The Indian Problem 1833-1935, London, Oxford University Press, p133.

should be established. The proposal had been rejected by Hoare who did not wish to confront the princes with an ultimatum. [2] There was no target date by which federation was to be implemented.

The decision on federation was an open one with much remaining to be done at the time of implementation. The provinces accession to federation was to be automatic, but the accession of the princely states was to be voluntary. The Sankey report had stated that each state would enter federation through a separate convention in which its special rights would be protected, and that, moreover, the princes would decide the method by which their representatives to the federal legislature would be chosen. [3] The reasons for the different treatment of the states and the provinces in the proposed federation were set out in the Report of the Joint Select Committee:

"The main difficulties are two: that the Indian States are wholly different in status and character from the Provinces of British India, and that they are not prepared to federate on the same terms as it is proposed to apply to the Provinces. On the first point the Indian States, unlike the British Indian Provinces, possess sovereignty in various degrees and they are, broadly speaking, under a system of personal government. Their accession to a Federation cannot therefore take place otherwise than by the voluntary act of the Ruler of each State, and after accession the representatives of the acceding State in the Federal Legislature will be nominated by the Ruler and its subjects will continue to owe allegiance to him. On the second point the rulers have made it clear that while they are willing to consider Federation now with the Provinces of British India on certain terms, they could not, as sovereign States, agree to the exercise by a Federal Government in relation to them of a range of powers identical in all respects with those which that Government will exercise in relation to the Provinces on whom autonomy has yet to be conferred." [4]

[2] Moore,R.J.(1974) The Crisis of Indian Unity 1917-1940, Clarendon Press, Oxford, p286.

[3] Ramusack,B.N.(1978) The Princes of India in the Twilight of Empire, Columbus, Ohio State University Press, p206.

[4] Gwyer,M. and Appadorai,A.(eds)(1957) Speeches and Documents on the Indian Constitution 1921-1947, London, Oxford University Press, p272.

The dual nature of control by which Britain governed India, meant that the States were in a different relationship to the Government of India, from that of the provinces, and their accession was to be voluntary. Thus it was necessary in implementing federation to secure the accession of the princes.

Not only was the accession of the princes to be voluntary, they were given a veto over the proposed federation. An all-India federation could not be established till a sufficient number of princes had voluntarily acceded. At a conference in Bombay before the third session of the RTC, the princes had passed a resolution that 51% of the states must agree to join before a federation could be established. [5] The Act included this as a precondition. Federation could only be established when rulers of states representing not less than half the aggregate population of the states and entitled to not less than half the seats to be allotted to the states in the upper chamber of the federal legislature had acceded. [6]

The princes accession was to be voluntary, they were given a veto over federation, and the specific terms on which the princes were to accede were left to be decided after the Act had been passed. The Act laid down that a state was to accede to the federation by executing an instrument of accession. This instrument would empower the federal government, legislature, and court, to exercise authority over the state in accordance with the Act. This authority could only be exercised in respect of matters accepted by the ruler as federal in his instrument of accession and subject to such limitations as were specified in it. Once an instrument of accession had been executed and had been accepted by the Crown, it would permanently limit the ruler's sovereignty to the extent to which he had acceded to the federation. [7] The rulers were expected to accede on the first 47 of the 59 items of the federal legislative list and it was hoped that the terms of accession would be uniform for all the states. [8] Thus

[5] Ramusack, Princes of India, p217.

[6] Government of India Act, 1935(1938) New Delhi, Government of India Press, Section 5.

[7] ibid, Section 6.

[8] Menon, V.P. (1956) The Story of the Integration of the Indian States, London, Longmans Green & Co Ltd, pp34-35.

much remained to be done even after the passing of the Act, in this respect, the decision on federation was an open one. It was necessary, before the decision could be implemented, to conduct further negotiations with the princes to determine the terms on which they would be prepared to accede.

The number of parties involved in implementation of federation was extremely large. The task of implementing the decision was the responsibility of the Government of India, primarily that of the Viceroy, Linlithgow, who personally took charge of the federal negotiations. These negotiations, because of the nature of the decision, were centred on the princes. The prominent role of the princes in federal negotiations, led as a matter of course, to the involvement of the bureaucracy responsible for conducting relations with the states, the Political Department of the Government of India. The Viceroy regularly consulted the Secretary of State and the India Office during the course of the negotiations.

The target parties in India were, firstly, the princes. Their accession was a necessary condition if federation was to be implemented. The princely states however, covered only 1/3 of India. In the remaining 2/3, in British India, the dominant political force was the Congress Party which had conclusively demonstrated its strength by its successes in the elections of 1937. The Congress was undoubtedly the principle target party and without cooperation from the Congress Party, it would not be possible to implement federation. Other target parties were the Muslim League, which represented the largest minority group, the Muslims, and the Hindu Liberals, who had played a prominent part at the Round Table Conference. There were, in addition, several other smaller political parties, but they operated mainly at the provincial, not the all-India level.

5.3 Change in the Princes attitude to Federation

Difficulties had been encountered on a number of issues regarding the princes and federation. These difficulties were put off at each stage of the lengthy process by which the decision on federation had evolved. It was only by leaving the decision open, that federation was made acceptable

to the princes. Thus not only was the decision an open one, it had deliberately been left open, by postponing resolution of problematic issues at each stage.

There was, first of all, an issue of supreme importance to the princes - paramountcy. To ensure the success of the Round Table Conference, Irwin got the princes to agree not to raise all their grievances in London - "he got them to agree that they would not bring up the issues of paramountcy, intervention, or related disputes in London if efforts would be made in Delhi to reach some agreement on these matters". [9] The princes agreed to postpone discussions on this issue but it was still one of vital importance to them. The reason they did not pursue the matter on their return was that Irwin's term of office was nearly at an end. By the time the new Viceroy, Willingdon had arrived, divisions had appeared among the princely ranks and they had become preoccupied with rivalries amongst themselves. [10] The issue of paramountcy remained as a grievance as far as the princes were concerned. The dilemma faced by the British Government was that if the princes demands regarding paramountcy were conceded, they would become internally independent and they would not need to join a federation. Yet some of the princes would insist on a satisfactory definition of paramountcy as a precondition for joining a federation. [11]

To further ensure the conference's success, the Viceroy, Irwin, supported by the Secretary of State for India, Benn, did not allow states' peoples groups to send representatives to the first RTC as he was sure such a step would alienate the princes. This was another problem that was to come up again at a later stage. The states' peoples movement grew in strength and when it received the support of the Congress Party, became a force that could not be ignored. [12]

[9] Ramusack, Princes of India, p199.

[10] Ashton, S.R. (1982) British Policy Towards the Indian States 1905-1939, London, Curzon Press, p137.

[11] Moore, Crisis of Indian Unity, pp157-158. On paramountcy, as on other issues, there were differences amongst the princes. See Ashton, British Policy, pp143-145.

[12] Phadnis, U. (1968) Towards the Integration of Indian States 1919-1947, London, Asia Publishing House, p90.

The first Round Table Conference was indeed a success, but after an initial endorsement of federation, the princes attitude rapidly underwent a change. Firstly, old jealousies and rivalries reappeared to destroy the united front the princes had presented at the first session of the conference. Secondly, the realisation that federation would involve loss of sovereignty and financial sacrifices, brought about a change in the rulers' attitude to federation. They began to lay down conditions which would have to be met before they would accede.

Soon after the first Round Table Conference, the ruler of Bhopal defeated the Maharaja of Patiala in an election for the office of the Chancellor of the Chamber of Princes. Since the rulers of Bhopal and of Bikaner were emerging as leading proponents of federation, Patiala reacted to his defeat by attacking the federal scheme. He produced a rival scheme labelled 'confederation' by which the states were to form their own federation before entering into a constitutional relationship with British India. The Maharaja of Patiala "was primarily motivated to take this stance because of his overweening jealousy of Bikaner and Bhopal." [13]

Confederation was the first recoil of the princes from federation. Patiala's stance encouraged the diehards to approach him in their efforts to oppose federation, as will be shown later in the chapter. Patiala drew support from the smaller states who were afraid that they would not receive adequate representation in the federal legislature. The larger states on the other hand began to fear that they would not obtain seats in proportion to their size and importance. In Hyderabad, the Nizam began to demand a satisfactory solution to the Berar question as a precondition to accepting federation.

At the second Round Table Conference, the princes were no longer united. The states also realised, as a result of a special subcommittee's examination of federal finance, that their financial contributions would be increased. It also became evident to them, that with federal officials operating within their states, there would be some loss of sovereignty.

[13] Ramusack, Princes of India, p210.

A prominent dissenter from federation was the Jam Sahib of Nawanagar who was in dispute with the Government of India over the retention of customs receipts from a port in his state. As a result of this dispute, he denounced federation and his position was strengthened when he was elected Chancellor of the Chamber of Princes. [14] From his influential position he began to point to the difficulties that the federal scheme would involve. The bigger states such as Hyderabad and Mysore who had initially supported federation, began to cool towards the scheme as negotiations dragged on. [15]

In September 1932 Willingdon met the princes to try and gain agreement on certain outstanding issues. The princes on their part again demanded a definition of paramountcy and stated that without this they would not join a federation. Difficult decisions on the financial aspects of the states joining a federation and on the allocation of seats among the states in the federal legislature were postponed and left to be settled at a future date. [16]

At the third Round Table Conference, the princes were represented by their ministers alone. Difficult decisions were again avoided and postponed. These included decisions about the size of the two houses and the proportion of seats to be allotted to the states, as well as decisions on the states contributions to federal finance. In the financial field, difficulties were caused by the fact that some states still paid tributes and some states enjoyed financial advantages such as the right to retain customs receipts. States which paid tributes demanded that these be abolished while states which enjoyed financial immunities were reluctant to give them up. The Davidson Committee had concluded that no uniform solution that would cover all the states was possible, and that separate arrangements would have to be made with individual states. "In the cases of the major tribute and customs states, it was already evident that the period after the Act had been passed would be one of prolonged bargaining

[14] Ashton, British Policy, pp140-141.

[15] Ramusack, Princes of India, p218.

[16] ibid, p218-219.

and negotiation." [17]

At the end of the Round Table Conferences, the conclusions that had been reached were embodied in a White Paper. No specific procedures by which the states would join the federation were laid down. Each individual ruler would be asked to sign an Instrument of Accession in which he would transfer power in specified matters to the federation but limitations could be placed on the exercise of federal power in these matters. The White Paper further proposed that the Act should be passed prior to the the states accession so that the final character of federation would be clear to the princes and this gave them further scope for procrastination. The princes for their part, were glad to put off final acceptance of a scheme that, as its financial and other implications began to become clear, was proving unattractive to them. After the White Paper was published, an informal meeting of the Chamber stated that the White Paper neither fulfilled all the conditions, nor included the safeguards demanded by the princes. It thus declared the proposals to be unacceptable. [18]

As to the size of the Chambers, the White Paper proposed that the states be given 104 out of 260 seats in the Upper Chamber, and 125 out of 375 seats in the Lower Chamber. Hoare had favoured smaller chambers, and these would have made negotiations with the princes easier. Willingdon had opposed small chambers since a large number of states would not be represented, but this in turn made negotiations more difficult. A complicated formula was adopted that allotted these 104 seats among the states (which numbered almost 600), some on a fixed basis, some on a rotational one. It became necessary for the Government of India to negotiate with 144 individual states. [19]

The Joint Select Committee endorsed most of the recommendations of the White Paper, but laid particular emphasis on the voluntary character of the accession of the states to federation. [20] The Report of the Joint Select Committee was seen by the princes as an improvement on the White

[17] Ashton, British Policy, p147.

[18] Phadnis, Integration Indian States, p72.

[19] Ashton, British Policy, pp151-152.

[20] ibid, pp151-152.

Paper in some matters, but they demanded clarification of other issues. They also made it clear that they would give a final opinion only after they had examined the Bill and the Instrument of Accession by which they were to join the federation. [21] When the Bill was introduced in Parliament, the princes found it unacceptable and demanded substantial modifications. Their criticisms of the Bill were expressed at a meeting of rulers and states' ministers held at Bombay in 1935. One of the reasons given by the princes for finding the Bill unacceptable was that it failed to include a satisfactory definition of paramountcy. This was an issue to which the princes never ceased to seek a solution. The Secretary of State replied that paramountcy was a side issue and could not be defined in the Bill, and he rejected too the princes claim to be treated as equals with the Crown. [22] Many of the objections raised at this meeting suggested that the princes, once they were faced with the reality of federation, were not willing to let the Federal authorities exercise those minimum powers within their states which were essential in any federal system.

Thus the princes had accepted the idea of an all-India federation on the false assumptions that they would get a satisfactory resolution of paramountcy and that it would enable them to escape from the dictation of the Political Department. They did not realise that federation too would involve loss of sovereignty. Once these points began to become clear, they turned away from the scheme.

"The princes seemed to have very little conception of what federation actually involved. Sir Walter Monkton, who became the Nizam's legal adviser, commented in October 1935 on how few princes recognised even the most basic principle that federation involved a loss of sovereignty." [23]

As difficulties arose in gaining the princes acceptance of the evolving federal scheme, they were postponed at each stage. Even when the Act was passed, the precise terms on which the princes were to accede had not been

[21] Phadnis, Integration Indian States, p72.

[22] Coupland, R. (1943) Indian Politics 1936-1942, London, Oxford University Press, pp2-3.

[23] Ashton, British Policy, p152.

decided, but had deliberately been left open. They were left to be determined through negotiations between the Viceroy and the princes. By the time negotiations began with the princes with a view to securing their accession, the princes were far from being the proponents of federation they had been at the first RTC. Yet their accession was a necessary condition without which federation could not be established.

The dissidents in the Conservative Party it has been shown, made their opposition felt in several ways. They opposed the proposals in Parliament; They tried to mobilise opinion in the rank and file of the Conservative Party against handing over power at the centre; they were prepared to use unfair means such as the attack on Hoare for breach of privilege. These were tactics to prevent the proposals from becoming law and in this they failed. However, yet another avenue of action was open to them. This was to try and prevent federation from being implemented. The veto given to the princes meant that the rulers of the princely states had been given the power to wreck the proposals. After their initial enthusiasm for federation, the princes had lost interest as the implications of federation began to become clear. The diehards were quick to seize on this and adopted yet another tactic, they tried to influence the princes to reject the proposals. [24]

One of the diehards, Colonel Courtauld toured India early in 1934 to try and persuade the princes not to join the federation. The moving force behind these tactics was H.A. Gwynne, the editor of the Morning Post, and the Post's Indian agent, Madhava Rao, organised the tour. The diehard deputation concentrated on Patiala for they were convinced the Maharaja could be made to come out against federation. Patiala was given assurances that when the Conservative Party came to power he would receive several honours if he opposed the reforms. At the end of his mission Courtauld produced a letter signed by several princes that set out their objections to the White Paper.

[24] For diehard approaches to the princes see Douds, G.J. (1979) "Government and Princes: India 1918-1939.", Ph D Thesis, University of Edinburgh, pp483-498.

A second diehard embassy also arrived in India in June 1934 to continue the efforts of the first. The India Defence League strove through their connection with Patiala, to impress on the princes their unique position which allowed them to wreck the proposals. Through the columns of the Morning Post the diehards made allegations of official pressure on the princes to accept the federal proposals and they also made allegation of official bribery.

Patiala was sent a letter from 42 Peers and Commoners urging him to adopt an anti-federation stance (July 1934). Later, in 1935, another diehard, Rothermere, sent a circular cable to some of the princes asking them to reject the Bill as it would only lead to their own destruction. [25]

"Hoare and his colleagues in the India Office could only view with increasing alarm the unstinted efforts of the Page-Croft lobby to wreck the bill and its enterprise in carrying the fight to India itself and the lairs of malleable Maharajahs." [26]

The fact that the princes were not to accede till after the bill had been passed meant that Tory diehards could continue their efforts to prevent the princes accession, and thus prevent implementation of federation, even after the proposals had been embodied in an Act of Parliament.

5.4 Negotiations with the princes

The princes were one of the principle target parties involved in federation. The voluntary character of their accession as well as the veto given to them meant that the princes' ability to resist implementation was considerable. Their accession was a first necessary condition to be fulfilled if the decision to establish a federation was to be implemented. It was thus with the princes that negotiations began when attempts were made to establish an all-India federation.

[25] *ibid*, Appendices 5 and 7.

[26] *ibid*, p498.

The Act received royal assent on 4 August 1935, and the Viceroy, Willingdon, wanted to make a start on negotiations with the princes by October 1935. However Willingdon's term of office was nearly at an end, and Lord Linlithgow's appointment to succeed him as Viceroy had been announced in August 1935. [27] The Secretary of State, Zetland, felt it would be better to give the new Viceroy a free hand and leave him to decide on how the approach to the princes should be made. [28] On 18 April 1936, Linlithgow took over as Viceroy. Thus there was an initial delay in attempts to implement federation which was caused by the changeover in Viceroys.

Linlithgow had initially planned a formal meeting with the princes in October 1936. His idea was to discuss federation with them collectively and to settle the outstanding issues that still remained. There were, as shown earlier, several issues that needed to be resolved. However, the possibility that those rulers who were opposed to federation would use such an opportunity to create difficulties made the Viceroy change his plans and he decided that it would be better to approach the rulers individually. [29]

Though no time limit was set by which federation was to be established, Linlithgow was aware that there was need to make haste in bringing about the princes accession. [30] If federation was not inaugurated quickly, he felt the parties opposed to it, would utilise the time to gather strength and work against federation. The Congress party in particular had expressed its opposition [31] and could not be expected to stand by idly if negotiations were prolonged. Linlithgow kept setting dates by which he hoped to inaugurate the federation, but they lacked any kind of sanction.

[27] Rizvi, G. (1978) Linlithgow and India, London, Royal Historical Society, p1.

[28] Moore, R. J. (1970) "The Making of India's Paper Federation, 1927-1935", in Philips, C. H. and Wainwright, M. D. (eds) The Partition of India, London, George Allen & Unwin Ltd, p76.

[29] Glendevon, J. (1971) The Viceroy at Bay, London, Collins, p29.

[30] ibid, pp30-31.

[31] See Chapter 3. The Congress denounced the entire Act, but it was federation to which the party was opposed.

The Viceroy asked the Political Department to cut short the time that had been allotted for negotiations with the princes. The Political Department had originally been of the view that the terms on which the princes would consider accession would be known by the end of 1938. The Viceroy felt this was too long a period and the Political Department came up with a new timetable for negotiations. The states were to raise all objections and limitations by March 1937. The Government of India would take four months to consider the states' replies. Discussions between the Secretary of State, the Government of India and the states were to be completed by December 1937. The states would be presented with a draft Instrument of Accession by January 1938 and would be given four months to consider the offer. By mid-1938 it would then be known how many of the princes had decided to accede. Linlithgow approved this new timetable and hoped it would be possible to inaugurate the federation by April 1938. [32]

Having decided to approach the rulers individually, the Viceroy appointed three special representatives to tour the states, to explain the federal proposals to the rulers and to try and get them to accede. The states were divided into three groups, each to be visited by a special representative. The emissaries chosen were A.C. Lothian, Francis Wylie and Courtenay Latimer. They were to be accompanied by A.J. Raisman of the Finance Department, to advise on financial matters in states where financial issues were particularly important or involved, and by Conran Smith of the Reforms Office to advise on constitutional matters. [33] The three representatives toured the states in the winter of 1936-37.

The three special representatives were to explain the federal scheme to the rulers and make clear its implications for the states. Linlithgow was in favour of giving the emissaries the authority to give rulings on certain questions put to them, on the effect of accession to federation, without having to refer to the government, but the Secretary of State was against it. He felt the princes might feel they were being rushed and take

[32] Glendevon, Viceroy at Bay, Chapter 3.

[33] Lothian, A.C. (1951) Kingdoms of Yesterday, London, John Murray, pp147-148.

fright. He urged the Viceroy to let this series of visits by the emissaries remain exploratory. While he accepted Zetland's view, Linlithgow warned again that time was not on their side - "the federal picture as it had been building up showed the Viceroy eager to force the pace and the Secretary of State restraining him". [34] Another historian agrees with this assessment - "Far from delaying the federation, it was Linlithgow who determined the tenor of the British negotiations with the princes and drove forward the attempt to inaugurate the federation." [35]

However, after the special emissaries had submitted their report, which indicated the concessions demanded by the princes prior to their accession, another year and a half passed before a revised draft Instrument of Accession was prepared. The special emissaries submitted their report to the Government of India in April 1937. By August 1937, the views of the Government of India on how to gain the accession of the princes were referred to the India Office for approval.

"The crucial issues then remaining for decision were comparatively few, but it was not until early in 1939 that final agreement was reached between the Government of India and the Secretary of State, and the Viceroy was able to make known to the Princes the terms for their accession." [36]

In the intervening period, the Secretary of State and the Viceroy corresponded at length on the extent to which the rulers demands could be met. Linlithgow may have been aware of the dangers involved in prolonging negotiations, but much of the delay was caused by the lengthy consultations between Delhi and London. A process that was expected to be completed in 4-6 months according to the revised timetable for negotiations, took in fact, much longer. The relevant issues were discussed in detail in correspondence between the Viceroy and the Secretary of State from August 1937 to January 1939, which led to a considerable delay before the revised offer was put to the princes.

[34] Glendevon, Viceroy at Bay, p42.

[35] Rizvi, Linlithgow, p88.

[36] Lothian, Kingdoms of Yesterday, p149.

It was necessary, because of the nature of the decision, to bargain with the princes to gain their accession. The special emissaries, after completion of their tours, indicated that the princes would be willing to accede if the financial terms of their accession could be made more attractive. It was on these financial matters that correspondence between Delhi and London was concentrated. [37]

The problem was that some states drew substantial amounts of revenue from certain items of taxation in the federal field, from customs, [38] sugar and matches excise, and corporation tax. [39] These states had made it clear to the Viceroy's emissaries that they would not be willing to join the federation unless they were given the right to retain existing

[37] A copy of the correspondence between the Government of India and the India Office on this issue is to be found in the papers of Sir P.J. Grigg (1890-1964), Archives Centre, Churchill College, Cambridge. Hereafter referred to as PJGG.

[38] Customs - Several maritime states such as Baroda, Junagadh, Travancore, and Cochin, had developed ports in their states. They levied duties on articles imported through their ports at the same rate as that levied at British Indian ports. In return they were allowed to keep some or all of the proceeds from these duties. The agreements varied between the states and even included Kashmir. The state of Kashmir did not tax goods passing through the state by the Central Asian trade route, thus establishing free trade between India and Central Asia. In return for this loss of revenue it was given the right to import goods free of customs duties at British Indian ports. See Varadarajan, M.K. (1939) The Indian States and Federation, London, Oxford University Press, pp108-111 and p175.

[39] Matches and Sugar Excise - In 1934, the Government of India found it necessary for the first time to impose excise duties on matches and sugar. The states were then in a position to flood British India with untaxed products. Thus agreements were made between the states and the Government of India as follows; matches - each state was to impose an excise duty at the British Indian rate and the proceeds were to go to a common pool and were to be divided between the Government of India and the states (on a consumption basis); sugar - the states were to impose an excise duty at the British Indian rate and were to retain the proceeds.

Corporation Tax - There was no provision in the Act for any distribution of the proceeds of a federal corporation tax between the centre and the federal units. No such federal tax was to be levied in any state during the first ten years of federation. There were at that time a few states such as Mysore which were taxing the incomes of corporations and would be affected if deprived of the proceeds of this tax.

See PJGG Case for the Opinion of the Law Officers, Government of India Act, 1935, India Office, January 1938.

revenues from these sources. The emissaries were of the view that these were vital items in gaining the accession of the states. They enunciated the principle of status quo, by which the rulers would be allowed to retain the revenue from these sources, even after accession. The Viceroy accepted the emissaries assessment that if federation meant an immediate sacrifice of revenue, the princes would be unwilling to accede. He felt the principle of status quo should be conceded for these fiscal items. [40]

The Viceroy initially sought to have the decision on federation reopened, for he made an attempt to meet the states demands by seeking to have the Act amended. He wrote to the Secretary of State of the states' demand for retention of revenues from certain items of taxation which fell in the federal field. The Viceroy was of the opinion that it would not be possible for the states to retain these revenues under the provisions of the Act as it stood, and so he was in favour of amending the Act. He was certain that if proposals were put to the states based on the existing Act, they would be rejected, and thus he strongly advocated the passing of an amending bill. [41]

The Secretary of State accepted the Viceroy's assessment that unless the states were granted a financial status quo with regard to certain excise duties, they would not accede, but he regarded it as unfortunate that this involved an amendment of the 1935 Act. In any case, he wrote, it was a matter on which he would have to consult other members of the Cabinet. [42]

The Secretary of State then discussed the matter with the Prime Minister, Neville Chamberlain, who expressed strong objections to amending the Act. The reasons given by him for refusing to consider an amending bill to make the Act more acceptable to the princes, are significant.

"He was unwilling to contemplate a Bill involving any likelihood of controversy particularly if there was any probability of its reviving the

[40] Menon, Story Indian States, p38.

[41] PJGG Letter from Linlithgow to Zetland, dated 19 August 1937.

[42] PJGG Letter from Zetland to Linlithgow, dated 4 September 1937.

former divisions in our own party." [43] There was to be no amendment of the Act for fear of reviving the controversy in the Conservative Party. Zetland suggested that the princes should be given temporary compensation for loss of these revenues which could be ended after a specified number of years. The Prime Minister said he would regard such a compromise as a satisfactory solution. [44]

The refusal in London to amend the Act, led the Government of India to seek other ways to meet the princes' demands. The Political Department came up with a fresh suggestion, namely that the necessary financial concessions could be made by means of limitations in the princes' Instruments of Accession. [45] The proposals put forward by the Political Department were very briefly, as follows. Limitations were proposed in respect of matches and sugar excise and corporation tax that would allow the relevant states to retain these revenues. For salt, the practical solution was that the states should not accede; the existing complicated arrangements meant that the position of the states conformed reasonably to federal requirements. For customs, the Finance Department was opposed to any arrangement by which maritime states could join the federation while retaining the right of levying their own customs duties at their ports. The Political Department therefore suggested that the states' rights to levy customs duties be purchased either for a fixed annual sum or for a fluctuating payment based on fixed principles. The states themselves would perform the functions of administration but would be subject to inspection and supervision. If however negotiations with the states on customs duties were unsuccessful, the Political Department wanted the states to be allowed to federate for customs on the basis of a limitation based on existing agreements, but one which would also provide for inspection by the federal authorities. [46]

[43] PJGG Letter from Zetland to Linlithgow, dated 6 October 1937.

[44] *ibid.*

[45] Under Section 6(2) of the Act, a ruler was required to specify in his Instrument of Accession the matters with respect to which the federal legislature could make laws for his state and the limitations, if any, to which this power was to be subject.

[46] PJGG Proceedings of meetings held in the Political Secretary's Room, 22 and 24 November, 1937.

The Finance Department was opposed to all the financial concessions being proposed by the Political Department [47] but objected most to the proposals regarding customs duties. The Finance Department was of the view that it was better that "the State should not accede at all in respect of Sea Customs, rather than that there should be an illusory accession as unsubstantial as that which has been proposed". [48] If the maritime states concerned did not enter into new agreements rendering possible the application of federal customs law in their territories, the Finance Department was of the view that the only acceptable alternative was non-accession for customs. [49]

The proposals put forward by the Political Department were conveyed to the Secretary of State. The states were not to be asked to accede for salt. They were to accede for matches and sugar excise and corporation tax with the limitations proposed. As regards customs, there were two views. The Political Department felt that the states should be permitted to accede for customs with a limitation on the lines suggested. The Finance Department objected that the limitation gave only the right of inspection without any power to enforce ratification of abuses. Failing a limitation which gave the federation the necessary authority to enforce action shown to be necessary by inspection, the Finance Department preferred that the states should not accede for customs. Such non-accession rendered doubtful the admissibility of the states to federation and indeed the view of the Finance Member was that failing a commutation agreement or a more substantial accession than that provided by the proposed limitation these states should not be permitted to federate. It was left to the Secretary of State to choose between these views, though the Viceroy made it clear that he preferred to accept the suggested limitation to non-accession for customs. [50]

On being informed of the discussions regarding the contents of the Instrument of Accession to be put to the princes, the Secretary of State

[47] PJGG Letter from Grigg to Laithwaite, dated 8 December 1937.

[48] PJGG From Finance Department to Latimer, dated 4 December 1937.

[49] *ibid.*

[50] PJGG Telegram from Linlithgow to Zetland, dated 12 December 1937.

submitted the proposals regarding matches and sugar excise and corporation tax to the Law Officers. The Law Officers were to decide if the limitations could be properly regarded as limitations within the meaning of Section 6 of the Act, and if the limitations were consistent with the scheme of federation embodied in the Act. [51]

The Law Officers examined the proposals and concluded that the limitations regarding matches and sugar excise could be implemented within the Act. The proposals regarding Corporation Tax were however inconsistent with the Act and would require an amending bill. [52]

After the Law Officers had given their opinion, the Secretary of State replied to the proposals put to him by the Government of India. The limitations regarding matches and sugar excise could be accepted, but it was not possible to meet the claims of certain states with respect to corporation tax. As for customs duties, the Secretary of State approved of the plan to buy out customs rights. If, however, the maritime states refused to have customs rights extinguished by purchase, he felt that the limited accession that was proposed would not be defensible. It would be better that such states should be admitted to federation without accession for items 19 and 44 (of the federal legislative list) [53] which dealt with customs. [54]

There was further correspondence on the difficult question of customs duties. In June 1938, Linlithgow went to England on leave, without agreement having been reached on the concessions to be made to the states. Only after personal discussions did the Secretary of State and the Viceroy reach agreement on the offer to be made to the princes. They decided to accept the proposed limitations for matches and sugar excise and agreed not to press for any time limit by which these were to expire. Maritime states, it was decided, should not accede for items 19 and 44 if no adequate arrangements for inspection and issue of orders could be made.

[51] PJGG Case for the Opinion of the Law Officers.

[52] PJGG Law Officers' Opinion dated 9 February 1938.

[53] Government of India Act, 1935, Seventh Schedule.

[54] PJGG Telegram from Secretary of State to Viceroy, dated 21 February 1938.

Non-accession of maritime states on this basis would avoid the necessity for resolving the serious legal difficulties which were presented by the proposed limitation. The matter was to be put before the Cabinet on 27 July 1938. Zetland hoped no one would be hypercritical of the concessions to the princes over customs, excise and salt. [55]

The Secretary of State wrote to the acting Viceroy, Lord Brabourne, of the result of this meeting.

"The Instrument of Accession came before the Cabinet on the 27th and I was authorised to proceed with our offer to the Princes. There was some criticism of the proposal to permit the Princes to continue to retain any part of the proceeds of the excise duties from Sam Hoare. He argued in fact, as I have argued for a year or more, that on merits the proposal is unjustifiable. Unhappily we are in the hands of the Princes and we cannot deal with the matter on its merits. So far as I am concerned I have accepted Hopie's [Linlithgow's] assurance that without this concession the Princes will not come in, and once that view of the situation is accepted there is really no more to be said. Sam Hoare was also quite clearly afraid that when once we come to grips with the Federation issue we shall find either the Princes, or, if the Princes come in, Congress, refusing to play and he is anxious to postpone the evil day as long as possible. Hence a plea by him that we should not try to force the pace. Since my view is that the longer we delay the more disinclined both parties will be to play, this plea did not appeal to me and I said so. I was supported by the P.M. and the Cabinet approved my proposals and passed on not without a sigh of relief to other matters. The average member of the Cabinet looks upon Memoranda by the Secretary of State for India as tiresome but inevitable intrusions!" [56]

A draft Instrument of Accession was then drawn up, setting out the matters with respect to which the federal legislature was to make laws for the states and the limitations for particular states. Deliberations on limitations that could be permitted within the framework of the Act had

[55] PJGG Telegram from the Secretary of State to Crown Representative, dated 19 July 1938.

[56] PJGG Letter from Secretary of State to Viceroy dated 2 August 1938.

stretched over more than one year. In an accompanying letter to be sent to the princes, the Viceroy explained the reasons for the long delays since the states' replies to his letter of August 1936, in which they had indicated the concessions they regarded as necessary for their accession. Many aspects, he wrote, had had to be considered and some legal advice too had been sought. [57]

The revised Instrument of Accession was placed before the princes in January 1939. The states were given six months to consider the offer. The rulers were asked to indicate their attitude to the offer, to state whether they would be prepared to execute the Instrument of Accession within the terms indicated. They were to be asked to actually sign the instrument of accession only after replies had been received from all the states. [58]

The princes appointed a Committee under the chairmanship of Sir Akbar Hydari to examine the revised offer. The Committee reported in April 1939 and declared that the revised draft was unsatisfactory. It suggested fundamental amendments and declared no steps towards accession should be taken until these changes had been made. [59]

In June 1939, [60] a meeting of princes at Bombay passed a resolution endorsing the Committee's report.

"The Conference of Princes and Ministers assembled at Bombay, having considered the revised draft of the instrument of accession and connected papers, resolves that the terms on the basis of which accession is offered are fundamentally unsatisfactory in the directions indicated in the report of the Hydari Committee of Ministers and confirmed by the recommendations of the Gwalior Conference and are therefore unacceptable. At the same time, the Conference records its belief that it could not be the intention of His Majesty's Government to close the door on all-India

[57] PJGG Telegram from Crown Representative to the Secretary of State, dated 9 November 1938.

[58] Glendevon, Viceroy at Bay, p106.

[59] Phadnis, Integration Indian States, p109.

[60] Ashton, British Policy, p63.

federation." [61]

After the Bombay meeting, negotiations continued between the princes and the Government of India mainly with a view to securing the accession of some major states such as Kashmir, Baroda and the maritime states of Kathiawar, all of whom wanted their customs rights to be safeguarded. If these states could be persuaded to accede, it was hoped, others would follow suit. Little progress was made in these negotiations [62] by the time World War II broke out. With other more urgent matters needing attention, the Viceroy announced the suspension of negotiations.

"Federation remains as before the objective of His Majesty's Government; but you will understand, the compulsion of the present international situation, and the fact that, given the necessity for concentrating on the emergency that confronts us, we have no choice but to hold in suspense the work in connection with preparations for federation, while retaining federation as our objective." [63]

The Viceroy spoke of negotiations being suspended, not ended, but the developments of the next few years, ensured that they were not revived. With the Viceroy's announcement to both houses of the Indian Legislature, attempts to implement federation came to an end.

5.5 Princes failure to cooperate

The Viceroy and the Government of India, in particular, the Political Department, it has been shown, were willing to go to considerable lengths to make concessions to gain the princes accession. At first the Viceroy had sought to amend the Act, but when it was found that the Act could not be amended, the Government of India had searched for ways to make the same concessions through limitations. This led to delays so that it was January 1939 before the revised Instrument of Accession was put before the

[61] Quoted in Menon, Story Indian States, p41.

[62] ibid, pp41-42.

[63] Linlithgow (1944) Speeches, Vol 2, Simla, Government of India Press, pp140-141.

princes. Despite efforts stretching well over a year to meet the princes' demands they rejected the Instrument of Accession.

Several explanations have been offered of why the princes rejected the revised Instrument of Accession. One explanation put forward is that the princes rejected the federal scheme in June 1939 because it did not adequately protect their non-federal treaty rights. By the terms of the 1935 Act, all treaty rights not affected by federation were to be protected by the Governor-General through the use of his reserve powers. Federal subjects were included in the Instrument of Accession and any infringements of these could be taken to the Federal Court. However for subjects from which the federal administration was to be excluded, states would have to rely for protection on the reserve powers of the Governor-General. The reluctance of the Governors to resort to the use of their reserve powers, led the princes to fear that the Governor-General too would exhibit the same reluctance to use his reserve powers. The princes demanded the inclusion of all their treaty rights in the Instrument of Accession so that they would be protected by the Federal Court. When their demand for the adequate protection of non-federal treaty rights was not met, they rejected the Instrument of Accession as being unacceptable. [64]

Another explanation is that they failed to put up a united front. "Federation would have been a viable political reality only if a majority of the princes chose to join and then, once a part of such an arrangement, chose to act as a bloc on crucial issues. Throughout the discussions in and surrounding the Round Table Conferences, most princes seemed unaware of these considerations and preoccupied by petty rivalries and short-term interests." [65]

Another explanation, suggested by the above account, is that attempts to make concessions proved ineffective, because by the time the Act was passed, the princes no longer supported the federal scheme. Negotiations could have been successfully concluded only if the princes were willing to cooperate in the first place. That the princes were no longer in favour of

[64] Ashton, British Policy, pp171-172.

[65] Ramusack, Princes of India, p222.

federation was clear to one of the Viceroy's special emissaries in his meetings with their representatives.

"My party had to deal with several of the more prominent figures of the Round Table Conference; e.g. Sir V.T. Krishnamachari in Baroda, Sir Akbar Hydari in Hyderabad, Sir Mirza Ismail in Mysore, Sir C.P. Ramaswamy Iyer in Travancore and Col. Sir Kailash Haksar in Gwalior, but the enthusiasm these distinguished Indians had professed for federation in England had largely disappeared by the time of our visit, and in every case they endeavoured to attach unacceptable conditions to accession. Sir Akbar in particular was disappointing, as in England he had played a leading pro-federation part at the Round Table Conferences, but at our discussion he endeavoured to ride out on side issues, the real truth being that he no longer had the support of his Ruler, but did not want either to admit this, or to be blamed for going back on his former advocacy of federation. Sir Mirza Ismail wanted to make acceptance of the abolition of the Mysore tribute a prerequisite of federating, a condition which was obviously unacceptable when provision had been made for the gradual elimination of the tributes in the federation scheme itself. In fact each State attempted to make its own special bargain, which, if conceded, in view of the number of States involved, would have resulted in utter confusion." [66]

Among the many implications of federation the princes had not bothered to consider when accepting the scheme at the first Round Table Conference, were the financial effects of federation. The Report of the Davidson Committee, appointed to examine the financial problems arising in connection with the states, had made them realise that federation would involve financial sacrifices. In negotiations with the Viceroy, they sought to retain those fiscal rights which would be lost to them if they joined a federation. The princes had employed a battery of lawyers and were "more concerned to keep their 'privy purses' intact than to speculate on the intricacies of federal constitutions." [67]

[66] Lothian, Kingdoms of Yesterday, pp148-149.

[67] Wylie, F. (1970) "Federal Negotiations in India, 1935-9, and After", in Philips and Wainwright, The Partition of India, p520.

The rulers concentrated on trying to retain as much of their revenues as they could, and showed little awareness of the larger consequences of their actions.

"If federation means an immediate sacrifice of revenue it will have no attraction whatever to the states. The only thing which could make them take a different view would be fear of the consequences if they did not federate. It may be that if the Rulers were as enlightened as they should be, that fear would be widespread among them. There is however no indication of its existence in fact, and I know of no reason for anticipating that it will emerge in the near future." [68]

The princes showed no fear of the consequences if they did not accede to the federation but remained in their 'medieval dreamlands' hoping that the status quo would continue indefinitely. That the status quo could not continue, that it was better for the princes to join the federation and thus assure for themselves a voice in future constitutional developments was evident to others, but not to the princes themselves.

"By and large the Rulers would not realise that the status quo, so far as they were concerned, could not continue, and that the alternative to federation was not the maintenance of the status quo, but something much worse, and that with the democratic tide flowing so strongly they would be better off 'in the house out of the rain than outside under their own umbrellas'." [69]

That the princes failed to realise the opportunities offered to them is not surprising. The princes were a distinctly unenlightened body of rulers who, with a few exceptions, ruled their states in a despotic, irresponsible way. Safely ensconced as autocratic rulers under the protection of the paramount power, they made no moves to improve the administration in their states. It was not uncommon for the princes to use the revenues of their states for their personal gratification. Within their states they were surrounded by an atmosphere of adulation and tradition that made them

[68] Linlithgow to Zetland, quoted in Ashton, British Policy, p167.

[69] Lothian, Kingdoms of Yesterday, p147.

incapable of adjusting to changing conditions. [70]

The princes were preoccupied with petty jealousies amongst themselves: "as the princes could no longer vie with each other for supremacy in a military sense they now expended their energies and played out their rivalries in an artificial and pretentious world of protocol and symbolism. The number of guns to their salutes, their precedence at ceremonial gatherings, the manner in which they conducted relations with the imperial power and their capacity to accumulate additional honours and titles were all of vital importance to the princes as they jostled with each other for position and status." [71]

For a brief period the princes had accepted the federation scheme but they soon became preoccupied, as before, with petty jealousies and became concerned to protect their positions within their own states regardless of developments outside their borders.

"After an initial interest in federation, the princes came to reject the opportunities so generously extended to them. Although there had been much rhetoric about the need for joint cooperation with British India for many years preceding the Round Table Conferences, there had been no disciplined thinking in princely circles about what would be demanded of them in any cooperative arrangement, Most of the princes in London who agreed on the desirability of federation had little understanding of the demands likely to be made on federating units or of the techniques needed by anyone aspiring to political power within such a constitutional system. Not realising the always narrowing range of political options open to them, the princes were not ready to compromise when this last opportunity to do so was presented to them." [72]

[70] See Fitze, K. (1956) Twilight of the Maharajas, London, John Murray, pp 93, 102-103, 108, 168-169. Coen, T.C. (1971) The Indian Political Service, London, Chatto & Windus, Chapter 13, gives several examples of gross misrule by princes.

[71] Ashton, British Policy, p4. For princes' excessive concern with issues such as procedure, see Ramusack, Princes of India, pp89-90.

[72] Ramusack, Princes of India, pp227-228.

The princes rejection of the revised Instrument of Accession put to them in January 1939 was a result of their having joined the ranks of the opponents of federation. After initially accepting the scheme they had become opposed when it became clear that federation was not a 'one-way street' bringing only benefits for the princes. They failed to realise that the scheme offered an unprecedented opportunity to shape the future of their states. They continued as they had before, behaving in an irresponsible way, preoccupied with petty rivalries amongst themselves. It is thus not surprising that attempts to negotiate with the princes, to try and gain their accession by making concessions, failed. Yet the veto granted to the princes meant that their signatures on the Instrument of Accession was a first necessary step if federation was to be implemented.

5.6 Diehard influence on federal negotiations

There was, it is generally accepted, an alternative way to gain the princes accession. This would have been to refuse to make concessions and to subject them instead to some pressure to accede. One of the Viceroy's special emissaries, Sir Francis Wylie, was convinced that this would have been the only effective way to get results, that negotiations were bound to fail.

"In retrospect, however, I would say that, if they were left to their own devices, there was never the slightest chance of getting rulers representing fifty per cent of the population of the princely states to sign instruments of accession before the second world war broke out in September 1939. The only way, so far as the British government were concerned, if they genuinely wanted to expedite the creation of the federation, would have been to take the princes by the neck and compel them to come in." [73]

While Wylie was writing after the event, the Viceroy was not unaware at the time, that the princes needed to be pushed in the right direction - "what they need is a definite lead - I would not myself see an entire lack

[73] Wylie, "Federal Negotiations", p521.

of advantage in a degree of pressure". [74]

This was however, one course of action that the Conservative government in Britain was convinced should not be adopted, for it was afraid it would rearouse the diehards.

As early as September 1935, Paul J Patrick (Political Secretary at the India Office) told Lothian that the prevalent view at the India Office was that "we need not lay ourselves open to any criticism of forcing Federation on the princes." [75] Zetland expressed the same opinion when he wrote to Willingdon (in January 1936) that the India Office wanted to "avoid any risk of the Government being accused of having unduly hurried their decision about federating". [76]

The approach suggested by the India Office was influenced by the realities of British politics, the need to give no excuse to the diehards to revive old controversies. The realities of the Indian situation were quite different, the princes themselves showed no awareness of the urgency of the existing situation - "relatively few have shown signs of a full appreciation of the fundamental importance of the British Indian situation in relation to their own position and the future of their dynasties." [77]

Francis Wylie's account of what happened when he visited two important states, Baroda and Kashmir, speaks volumes for the princely attitude to federation. "The Gaekwar himself was away racing in Bombay and anyway cared for none of those things. In Kashmir where the discussions took place in the presence of a bored and sulky Hari Singh the whole matter took on, even for me, an air of complete unreality." [78]

When the Viceroy wanted to give his emissaries authority to give rulings on certain questions, Zetland felt this would not be wise. He expressed the fear that the princes might feel they were being rushed and

[74] PJGG Letter from Linlithgow to Zetland, dated 19 August 1937.

[75] Ashton, British Policy, p162.

[76] ibid, p162.

[77] PJGG Letter from Linlithgow to Zetland, dated 19 August 1937.

[78] Wylie, "Federal Negotiations", p521.

might take fright. In his opinion, the princes were 'shy birds', 'more haste would result in less speed', and he urged that the visits remain exploratory. [79] Already fearful of being accused of rushing the princes into federation, Zetland had received further warnings from the diehards. He wrote to Linlithgow that he had been warned by Lord Salisbury and his friends that their acquiescence in the passing of various Orders-in-Council associated with provincial autonomy was not to be taken as an indication of their attitude to federation which they regarded as the more dangerous part of the self-government scheme embodied in the 1935 Act. [80] When Linlithgow sought an amendment of the Act to accommodate the princes' demands, Zetland replied that such a course of action was not possible because of the reaction it was likely to provoke among the diehards, and in this, as seen earlier, he had the support of the Prime Minister.

Thus in a situation where it was necessary, if federation was to be implemented, to subject the princes to some degree of official pressure, none was forthcoming. While the Viceroy was aware of the princes lack of enthusiasm for the scheme he was not allowed to compel them in any way. "Zetland certainly applied a brake from home for fear of a diehard revolt, and he viewed the inauguration of a federation as a process requiring some years to complete." [81]

The reason for the brake being applied by the Secretary of State was undoubtedly the deadhand exercised by the diehards in the Conservative Party. The princes needed to be jostled towards federation, but it was made clear to Linlithgow, that the diehards at Westminster were on the lookout for evidence of pressure being put on the princes to accede, and that they would not hesitate to protest should they find any. Throughout the period in which the decision on federation had been discussed, the diehards in the Conservative Party had alleged that the princes did not really want federation and that they were being coerced into it. In debates in Parliament, at meetings of the Conservative Party, in the sections of the

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[79] Ashton, British Policy, p164.

[80] Glendevon, Viceroy at Bay, p43.

[81] Moore, "Paper Federation", p76.

press supporting them, the diehards had accused the government of forcing the princes towards accepting a federation that they did not themselves want. To put pressure on the princes at this stage might well lead to a revival of a controversy that had once threatened to split the Conservative Party. The Secretary of State was fearful of party unity, and in this he had the support of the Prime Minister.

"At the heart of the sensitivity of the British Government to styles of negotiations with the Princes, was the fear that the diehards would reemerge to divide the Conservative party once more should a whiff of controversy taint the Federal transactions." [82]

By mid-1939, when the princes seemed to have turned away from federation, the Viceroy requested the Secretary of State to make a declaration of intent in Parliament regarding federation. Zetland's answer revealed once again, anxiety over diehard reaction. He felt such a move - "would very easily stimulate the diehards speeches would almost certainly be made by Salisbury, Rankeillour, Lloyd, and probably others, which could be calculated to encourage the Princes in their resistance." [83]

The controversy within the Conservative Party regarding federation at the time the decision was taken, spilled over into the period of implementation. It needed only an occasional warning from the diehards to make the Secretary of State act with extreme caution during the period when attempts were made to implement the decision.

The leaders of the group within the Conservative Party opposed to any change in the structure of the Government of India - "acted vigorously to stymie negotiations over accession to federation. They constantly appealed to the fears of the princes that federation precluded any meaningful existence as rulers, and they utilised the Joint Select Committee's promise that accession must be voluntary to make it difficult for the Government of India to exert overt pressure upon the princes to move them toward federation. Since the head of the India Office was a member of

[82] Douds, "Government and Princes", p551.

[83] *ibid*, p551.

Parliament, he and his subordinates were more subject, and more responsive, to threats from Parliamentary opponents of federation." [84]

The opposition of the diehards during implementation was exercised in the form of a deadhand that was nonetheless effective. The Secretary of State conveyed to the Viceroy the need to proceed with caution in dealing with the princes. The Viceroy acquiesced, and valuable time was lost in finding ways to make concessions to the princes, concessions that had little chance of success since the princes had by then joined the ranks of the opponents of federation, and were unwilling to cooperate in its implementation.

One aspect of the negotiations over federation has received little comment, the fact that the Viceroy allowed himself to be held in check from London in the matter of negotiations with the princes. [85] The Viceroy's acquiescence is surprising for it contrasted sharply with his earlier behaviour. In implementing provincial autonomy too, he had been subject to domestic pressures, from members of the Cabinet, to make concessions to the Congress to get them to accept office, but at that time he had stood firm and had even threatened to resign over the issue.

A clue may be found in the ideological connection between the diehards and the Viceroy. Linlithgow, though not a diehard, was himself a Conservative. [86] He was concerned about diehard reactions to his policies and hoped that those adopted by him would not be disapproved of in those quarters.

"He asked the Secretary of State for a summary of the reactions of the Morning Post and diehard press generally to the federal policy which he had announced. He wanted to be kept in close touch with the atmosphere in right wing quarters at home." [87]

[84] Ramusack, Princes of India, p226.

[85] On Linlithgow's acceptance of the Secretary of State's suggestion to let the emissaries' visits remain exploratory, one historian briefly comments "Linlithgow surprisingly acquiesced." See Rizvi, Linlithgow, p62.

[86] Rizvi, Linlithgow, p 2.

[87] Glendevon, Viceroy at Bay, pp35-36.

While the Secretary of State was bound to be influenced by the demands of British politics, - "it is not parliamentary, but Indian policy which I should regard as paramount at the moment although I am bound to attach importance to the former" [88] - so too, because of his Conservative background, was the Viceroy. He asked about diehard reactions to his policies and hoped that those he adopted would not be disapproved of in those quarters. The Secretary of State repeatedly stressed the need to proceed in negotiations so as not to revive dissensions within the Conservative Party. It was a view with which the Viceroy concurred. The Viceroy accepted the need to prevent the Conservative Party being racked once again by divisions. The Viceroy's Conservative background was an important factor in determining the tenor of negotiations with the princes. The Government of India sought to make concessions with a view to securing the princes accession and no attempts were made to compel them in acceding to federation.

5.7 The Political Department of the Government of India

Since implementation of federation required as a first step, the accession of the princes, negotiations were conducted between the Government of India, the princes and the India Office with a view to securing their accession. The bureaucracy responsible for conducting the Government of India's relations with the princely states, the Political Department was, as a matter of course, involved in the negotiations. Two points about the Political Department's role in the federal negotiations should be noted.

First, the Viceroy chose to approach the princes initially, through his specially appointed emissaries, thus deliberately bypassing the Political Department, the bureaucracy specifically under his charge for dealing with relations with the states. After the emissaries had submitted their reports, and efforts began to meet the princes demands, the Political Department could not be kept out of the picture and was very much involved.

[88] PJGG Telegram from Secretary of State to Crown Representative, dated 25 March 1938.

Secondly, the Political Department made no attempt to give the princes a lead, a lead without which there was little chance of the princes acceding.

"Instead of putting a brake on the never-ceasing demands of the rulers and stressing the advantages to be gained by their entering the federation, the Political Department seemed to spend its time more in emphasising the loss the rulers would suffer if they were to federate and in instituting a search for expedients wherewith to make good or mitigate that loss. The result was a tendency to give in to the rulers all along the line." [89]

Both points are surprising because the Political Department was in a position of considerable influence vis-a-vis the states. As agents of the paramount power, political officers enjoyed great authority and influence in the states under their charge. The paramount power gave the states guarantees of protection from external invasion and also from agitations within the states. Thus on the one hand the princes resented the authority of the Political Department which could and did intervene in their states, [90] on the other hand they realised their dependence on the Department - "in spite of all their criticism of the Political Department, it was evident that the Princes adopted a line of action after consulting the Political Department". [91]

It was not unusual for rulers of states to ask for advice from Political Officers. Every state had a Chief Minister (Dewan or Wazir) and in many states the rulers sought the advice and approval of the Political Agent before appointing a Chief Minister. Rulers would ask Political Officers for their advice on any important matters that arose such as federal negotiations and sometimes even on personal and family matters on which Political Agents were forbidden to give advice. [92]

[89] Menon, Story Indian States, pp39-40.

[90] See Fitze, Twilight of the Maharajas, Chapters VI and VII, for issues on which the paramount power did intervene.

[91] Phadnis, Integration Indian States, p112.

[92] For the importance of Political Officers in the states, see Coen, Indian Political Service, Chapter 10.

The dependence of the princes on protection by an external power, placed the agents of that power in a uniquely powerful position - "it created in the Princes a disposition to seek the favour of the agents of that power, from the Viceroy himself down to the most junior of Political Officers rather than to win the devotion of their subjects; for it was to the Political Department that they looked not only as the custodian of their privileges and prerogatives and as the only organisation likely to initiate unwelcome action in the event of their flagrant abuse, but also for recommendations which might enhance their personal prestige by the conferment of greatly coveted honours and distinctions at the hands of the King Emperor." [93]

The Political Department could have played an important role in persuading the princes to accept federation - "a firm attitude on the part of the Political Department would have facilitated the entry of the Princes into Federation" [94] - but significantly it did not do so.

The reason that the Political Department did not commend the federal scheme to the princes with any enthusiasm, was, that the Political Department itself was not in favour of federation. While the princes had initially been in favour of federation, the Political Department had been opposed to it from the very beginning, and its hostility had been made evident through the long period of decision-making.

The first initiatives for federation had come from the Resident at Hyderabad, Terence Keyes, but, when an informal conference was held at Simla in July 1930 between the Government of India and some of the princes, Keyes was excluded from the conference by the Political Department. Keyes saw this as an attempt by the Political Department to squash the idea of federation before it received wider recognition. [95] That there was some truth in his suspicions is revealed by the fact that the Political Department did not inform the India Office of the Nizam's willingness to contemplate federation, and it was not till years later that the India

[93] Fitze, Twilight of Maharajas, p169.

[94] Phadnis, Integration Indian States, p112.

[95] Douds, "Government and Princes", p359.

Office realised that federation had been mentioned at that particular conference in Simla. [96]

In August 1929, Motilal Nehru invited some of the princes to confer with a committee of the All-Parties conference to discuss the future status of the states. The Political Department reacted with alarm, declared the princes would be at a disadvantage when negotiating with the more experienced British Indian politicians, and also revealed its attitude to federation - "as regards the first consideration, our unexpressed ideas are so far in favour of the federal ideal. Anything, therefore, which would assist in the attainment of this ideal should be normally supported. On the other hand, any federalisation is bound to take time. It cannot be a matter of months, it can best be a matter of years, and it may be indeed a matter of decades. There is therefore, no necessity for the taking of immediate steps to induce federalisation." [97]

This view had been incorporated in the Government of India's Despatch on the Simon Commission Report - "the time has not yet come for a choice to be made. A federation of all-India is still a distant ideal, and the form which it will take cannot now be decided." [98]

For the Political Department, federation was a 'distant ideal', 'a matter for decades'. In the meantime, the Department hoped the status quo would continue, that the Political officers would continue to enjoy virtually unchecked authority in the states to which they were assigned.

At the first Round Table Conference, the princes' initiative made federation a much more immediate possibility. The princes declaration in favour of federation came as a surprise to the observers of the Government of India at the conference.

"It was of course somewhat disconcerting that the representatives of the Princely Order unexpectedly and, as it subsequently appeared, with a

[96] Ashton, British Policy, pp132-133.

[97] Quoted in Ramusack, Princes of India, p192. (Note by H Wilberforce-Bell, Under Secretary Political Department, dated 30 August 1939.)

[98] Government of India's Despatch on Proposals for Constitutional Reform, Cmd 3700, 1930.

quite inadequate appreciation of the commitments involved, pronounced themselves at the very outset of the proceedings to be in favour of a Federal constitution for India, thus rendering out of date not only the despatch upon which I had lavished so much time and labour, but also a great part of the monumental Report of the Simon Commission." [99]

The princes, as has been stated earlier, initially favoured federation because they hoped it would get them away from the close supervision of the Political Department. For that very reason, the Political Department was opposed to federation. With federal agents operating in the states, there would be a lessening in the authority of the Political Officers. Thus they did not regard the scheme with approval. Haksar wrote - "if British India's applecart is eventually upset, the persons really responsible for that catastrophe will not be the Princes themselves but the Political Officers who will give the wrong lead with the object of retaining their authority." [100]

When the delegates to the first Round Table Conference returned to India, opposition to the federal scheme began to become evident. Officials in India displayed negative attitudes to federation, emphasising the difficulties that would result from federation instead of pointing to its advantages. [101] Supporters of federation were aware of the hostility within the Political Department to the idea of federation. Sapru warned Bhopal - "I have received an important letter from a high-placed friend at Delhi from which I gather that an insidious attempt is being made to persuade the Princes not to join the Federation." [102] Keyes wrote that he was disgusted with the spirit of defeatism rampant in the Government and at the ill-concealed hostility within it to the Federal ideal - "though the Government of India officially blesses Federation, the people most capable of throwing the machine out of gear, the Foreign and Political Department, will damn it by their defeatism and make it unworkable by insisting on staying in their cocoons unless they are put in

[99] Fitze, Twilight of Maharajas, p78.

[100]Quoted in Douds, "Government and Princes", p382.

[101]Fitze, Twilight of Maharajas, p78.

[102]Douds, "Government and Princes", p408.

order." [103]

Malcolm Hailey, a senior member of the Government of India, confirmed this view. He wrote to Hoare on his return to India from being an observer at the first Round Table Conference, that he was surprised to find that Simla and Delhi took a very different view of federation from those held by leaders of parties in England. [104]

The first sign of the princes recoil from federation and of the reappearance of divisions in the princely ranks, was, as shown in the previous chapter, the scheme of confederation put forward by the Maharaja of Patiala. Allegations were made that the Political Department was behind the scheme. It is probable that one of the members of the Political Department may have been involved in the scheme. Many political officers considered federation to be a threat to their status, and among them was James Fitzpatrick, the Agent to the Governor-General (AGG) for the Punjab states, who had openly denounced federation. Fitzpatrick had conducted the official inquiry that had exonerated Patiala of the charges of maladministration brought against him, [105] and he was thus on very friendly terms with the Maharaja. It is probable, given the hostility of the AGG to federation and his close relationship with Patiala, that he had had a hand in the formulation of the scheme of confederation. [106]

The Chairman of the States Financial Enquiry Committee, J.C.C. Davidson, while touring India, was critical of the Government of India from Willingdon downwards in its attitude to federation. He was of the view that Willingdon was indifferent, a doubtful supporter of federation, [107] and that the Political Department was incompetent, out of touch with the views of the British Government, and heartily opposed to federation. [108] There was a "cloud of uncertainty which masked the intentions of the Government of India, and in particular of the Foreign and Political

[103]ibid, p408.

[104]ibid, p432.

[105]The charges were brought by the All India States Peoples Congress (AISPCC).

[106]See Ramusack, Princes of India, p210.

[107]ibid, p214.

[108]Douds, "Government and Princes", pp431, 435.

Department towards the Federal ideal." [109]

While the Bill was still in Parliament, the princes met in Bombay in February 1935 and declared that the Bill did not meet their demands in certain aspects, and that unless satisfactory amendments were forthcoming, they would reject the scheme. It came to Hoare's notice that a senior Political officer, who had been seconded to become Prime Minister of Kashmir, had been actively involved with the resolution. Hoare remarked on the impropriety of an active officer of the Political Department being associated thus in severe criticism of the Government of India. Willingdon, not the most forceful of Viceroys, replied that in his opinion, Colvin's secondment meant that he could act independently of the Government of India. [110]

"The involvement of a senior Political, Colvin, in the notorious Bombay meeting was a pointer to the reactionary influence of the Foreign and Political Department. [111] Its antagonism to Federation had been exposed initially by Keyes, confirmed by Davidson, and repeatedly referred to with trepidation by both Haksar and Sapru." [112] Douds concludes - "One curious feature in the tale of Indian Federation has remained relatively unremarked: the powerful and latent hostility of the Government of India to the Federal ideal." [113]

The hostility of the Political Department to federation meant that despite the influential position of the Political Department vis-a-vis the princes, it failed to persuade the princes to accede to federation, and

[109]ibid, p498.

[110]ibid, p533.

[111]In 1914, the Foreign Department was split in two, and renamed the Foreign and Political Department. The department was thus divided into two sections. There was a Political Secretary to deal with the princely states, and a Foreign Secretary to deal with foreign affairs and frontier areas. Both sections were under the direct charge of the Viceroy. Officers of the department could be transferred between the three areas, princely states, foreign posts, and frontier areas, which the Foreign and Political Department dealt with, at the same time, specialisation in one area was not uncommon. See Coen, Indian Political Service, pp5-6, p47.

[112]Douds, "Government and Princes", pp544-545.

[113]ibid, p544.

concentrated instead on trying to find means of making the financial concessions demanded by them. The Political Department did not exploit its influential position to help implement federation, because the Department was opposed to federation. Many of its officers were afraid that it would lead to a lessening of their authority in the states. The Viceroy was aware of this hostility and thus chose to approach the princes through his specially appointed emissaries. He has been criticised for thus bypassing the Political Department.

"That the federal scheme failed utterly was not the fault of the [Political] Service. The whole business was taken out of the hands of the men on the spot, and handled at a higher level. Many officers have thought that steady, quiet persuasion by Residents and Political Agents would have been more successful. It seems doubtful; federation was doomed from soon after the 'first, fine careless rapture' at the Round Table Conference." [114]

Quiet persuasion by local Political Officers known to the rulers, and from whom they often sought advice may well have succeeded, but the Political Department was unwilling to cooperate in this manner in implementing federation. There was hostility among the Department's members to federation because they feared it would lead to a diminution of the authority they enjoyed in the states. Hoare had remarked - "it looks to me as if it wants a strong push from the Political Department if there are not to be long delays." [115] The Political Department failed to give a strong push because it was opposed to federation and there are even some cases of its officers working actively against federation. Of the many factors that prevented federation from being implemented, one was the opposition of the Political Department.

While the princes hoped the status quo would continue, so too did the Political Department. The princes as a body were not far-sighted and were incapable of realising where their best interests lay. The Political Department was not the best agency to realise where the best interests of

[114]Coen, Indian Political Service, p260.

[115]Douds, "Government and Princes", p441.

the rulers lay and to persuade them to act accordingly. The princes were intent on preserving what authority and privileges they had, and the Department was intent on maintaining its influence over them. The Political Department - "would not provide a large number of astute political advisers for the princes". [116] The general standard of Political Officers was poor. The low calibre of the members of the Department had been the cause of concern for many Viceroys, several of whom had made attempts to institute some reforms of the service. These had had little success and standards in the Political Service remained unsatisfactory. [117]

The rulers, it has been shown, were unduly preoccupied with the number of guns to their salute, with their titles, and with the honours conferred on them. Their advisers, the members of the Political Department too, were inclined to spend a disproportionate amount of time on such essentially trivial issues. [118]

5.8 Role of the Congress Party

In examining the attempts to implement federation, this chapter has dealt so far with: the princes, who were one of the principal target parties; the agents, the Secretary of State and the India Office, the Viceroy, and the Political Department; and it has brought out the role played by an interest group, the diehards, who though not active during implementation were nonetheless able to influence the process. The veto given to the princes meant that their accession was a necessary first step in the implementation of federation and it was on trying to secure this

[116]Ramusack, Princes of India, p240.

[117]See Douds, "Government and Princes", Chapter 2, for examples of incompetent political officers. TC Coen, the official biographer of the Indian Political Service (the term was coined in 1937), and thus inclined to defend political officers from criticism, nonetheless acknowledges that the methods of recruitment and training were unsatisfactory. See Coen, Indian Political Service, pp35-36, p44. Coen also gives an account of the attempts made by various Viceroys to reform the service. See ibid, Chapter 6.

[118]Fitze, Twilight of Maharajas, pp84-85; Coen, Indian Political Service, pp72-73.

that the efforts of the Government of India were concentrated.

Federation however covered both the princely states of Indian India and the provinces of British India. The target parties in the provinces were the political parties, of which the Congress Party was certainly the most important one. The political power of the Congress Party, demonstrated by the 1937 elections, meant that it had the ability to resist implementation of federation. If accession of the princes was a necessary condition for the establishment of an all-India federation, so too was the cooperation of the Congress.

The Viceroy was optimistic, specially after his brush with the Congress in the provinces over office acceptance, that the Congress party would not resist implementation of federation. Negotiations towards establishing federation centred on the princes. But during the long period over which they were conducted, the Congress did not remain inactive. It sought its own solutions to the inadequacies of the scheme of federation.

Provincial autonomy, it has been shown in an earlier chapter, was implemented because a majority within the Congress party was in favour of the decision and was willing to cooperate in its implementation. The party's attitude was different towards federation and there was widespread opposition within the party to the scheme. The Congress party had not been involved in the making of the decision on federation, apart from Gandhi's brief appearance as its representative at the second Round Table Conference. The final form in which the decision was incorporated in the Act was unacceptable to the Congress Party.

Firstly, the reservations over defence, finance and foreign affairs, together with the Governor-General's special responsibilities meant that there was no real transfer of power at the centre. Secondly, the scheme of federation had been carefully designed to prevent the Congress from gaining control at the centre. The Act was so designed that the combined strength of the princes and Muslims in the federal legislature would be greater than that of the Congress. Since Muslims were granted separate electorates and states' representatives were to be nominated by the rulers, the Congress was effectively excluded from both categories. The

relevant figures were as follows: [119]

Table 3: Composition of Upper House under the 1935 Act

Council of State

General seats	75
Muslim seats	49
Others (incl Scheduled Castes, Sikhs, Women, European + 6 nominated by the Governor-General)	32
	<hr/>
Total number of representatives of British India	156
	<hr/>
States' representatives	104
	<hr/>
Total	260.
	<hr/> <hr/>

Table 4: Composition of Lower House under the 1935 Act

Federal Assembly

General seats	86
Muslim seats	82
Others (incl Scheduled Castes, Sikhs, Christians, Anglo-Indians, Europeans, Women, + seats for representatives of commerce and landholders)	82
	<hr/>
Total number of representatives of British India	250
	<hr/>
States' representatives	125
	<hr/>
Total	375
	<hr/> <hr/>

While the Government of India conducted negotiations with the princes and chose to ignore the Congress, the Congress sought its own solutions to a decision to which it was opposed. It attacked the scheme of federation at its weak spot, the involvement of the princes.

[119]Government of India Act, 1935, Section 18 and First Schedule.

".... the Congress set out to democratize the constitution by a tour de force. No sooner had they agreed to take office in the provinces than they opened a campaign against the princes. Their object was to ensure that the states' representatives at the centre should be elected by the states' peoples and not simply nominated by the rulers." [120]

By joining states' peoples groups in their demands for democratic advances in the states, and in particular for states representatives to the federal legislature to be elected rather than nominated by the rulers, the Congress effectively attacked the scheme of federation. There was widespread support within the party for such a policy. This marked a change in Congress policy which, for a long period had been one of non-interference in the affairs of princely states.

In December 1927, an All India States Peoples Conference (AISPC) had been convened by politically active workers within some states to press for administrative reforms and for the setting up of democratic institutions. [121] Though the Congress was sympathetic to the aims of the AISPC, its policy was of non-interference in the internal affairs of the states. Gandhi urged the rulers to act as trustees of the people and maintained that the policy of non-interference was the correct one. [122]

"Although the States' people's movement had derived its stimulus from the national movement and the leadership of the AISPC was in the hands of Congressmen, [123] the Congress as a body was disinclined for a long time to play an active role in the Indian States. It expressed its support and sympathy to the States' people for securing the same rights for which it was struggling in British India; but at the same time it made it clear that the Congress as such would not involve itself in the struggle of these people." [124]

[120] Moore, R.J. (1970) "British Policy and the Indian Problem 1936-40", in Philips, C.H. and Wainwright, M.D. (eds) The Partition of India, London, George Allen & Unwin Ltd, p82.

[121] Phadnis, Integration Indian States, p85.

[122] ibid, pp84-85, 91-92.

[123] See ibid, p117, for Congress leaders associated with the AISPC.

[124] ibid, p97.

The Congress Working Committee meeting at Wardha in August 1935 declared - "the responsibility and the burden of carrying on that struggle must necessarily fall on the States' people themselves. The Congress can exercise moral and friendly influence upon the States and this it is bound to do wherever possible. The Congress has no other power under existing circumstances In the heat of the controversy the limitation of the Congress is often forgotten. Indeed any other policy will defeat the common purpose." [125] There was recognition on the part of the Congress that it was not sufficiently strong to launch agitations against both the British and the princes.

The elections of 1937 showed just how great was the popular support for the Congress. The success of the Congress encouraged states' peoples groups who were agitating for democratic reforms in the states. There were popular agitations in several states such as Mysore, Travancore, Kashmir, Hyderabad, Jaipur, Rajkot and Orissa. [126] Pressures grew within the Congress for the party to formally support the states' peoples groups. Many left wingers of the party had been active in organising civil disobedience campaigns in the states, [127] and they were in favour of adopting a revolutionary policy towards the states.

At an AICC meeting at Calcutta in October 1937, a resolution was passed which censured the Mysore Government for its policy of repression and which appealed to the people of British India and the Indian states to give support to the popular movement in Mysore. Gandhi was unhappy with the resolution and criticised it for going against the Congress policy of non-intervention. [128]

At a meeting at Haripura in February 1938, a resolution confirmed earlier Congress policy. The resolution reiterated that the Congress stood for the same political, social and economic objectives in the states as in British India. The Congress would not accept federation unless the states

[125]Pandey,B.N.(ed)(1979) The Indian Nationalist Movement 1885-1947.
Select Documents., London, Macmillan, pp233-234.

[126]Menon, Story Indian States, p42.

[127]Ashton, British Policy, p170.

[128]Menon, Story Indian States, p42.

participated as free units, enjoying the same measure of democratic freedom as the rest of India. In the existing circumstances, however, active participation by the Congress in the states' peoples struggle was not possible, and only false hopes would be raised by pledging support the Congress was unable to give. The main burden of carrying on the struggle for freedom must fall on the people of the states themselves. The Congress could offer only moral support and sympathy, though individual Congressmen were to be free to render assistance to such movements. [129]

Gandhi managed to hold the party back for some time from formally associating itself with states' affairs. It was not however possible to maintain a rigid distinction between developments in the states and in the provinces. The growth of representative institutions in British India, led to similar aspirations among states' peoples who sought and received help from members of the Congress Party. Individual Congressmen took part in civil disobedience campaigns in the states and associated themselves with states peoples groups. [130] Members of the left-wing had long been in favour of supporting such movements and Nehru had become president of the AISPC. [131] Once Congress ministries were formed in several provinces, they were naturally not prepared to prevent agitations organised within their boundaries but directed at neighbouring states. [132]

At an AICC meeting in Delhi in September 1938, a resolution condemned repression in Travancore, Hyderabad, Kashmir and the Orissa states. It became impossible for Gandhi to "draw a khadi curtain screening the States from the general mass awakening." [133] He bowed to the inevitable and accepted that states' peoples movements could not be denied the support of the Congress.

In an article in 'Harijan' in December 1938, Gandhi acclaimed the simultaneous awakening of the people. He declared it was impossible for him to continue to defend the non-interference policy of the Congress in

[129]Phadnis, Integration Indian States, pp125-126.

[130]See Ashton, British Policy, p171.

[131]ibid, pp170-171.

[132]Menon, Story Indian States, p43.

[133]ibid, p43.

the face of the injustice perpetrated in the states. [134] In an interview with the Times of India, Gandhi stated, "the policy of non-interference by the Congress was, in my opinion, a perfect piece of statesmanship when the people of the states were not awakened. That policy would be cowardice when there is all-round awakening among the people of the States and a determination to go through a long course of suffering for the vindication of their just rights. If once this is recognised, the struggle for liberty, wherever it takes place, is the struggle for all India. Whenever the Congress thinks it can usefully intervene, it must intervene." [135]

When the Congress met at Tripuri (Jubbulpore) in March 1939, the policy of non-intervention was officially abandoned. Bose, in his presidential address, asked for a revision of the existing attitude. The official resolution declared that the policy of non-intervention had been dictated by circumstances, but had not been conceived as an obligation. The Congress had always reserved to itself the 'right of guiding the people'. The great awakening that was taking place among the people of the states would lead to a relaxation or to a complete removal of the restraint which the Congress had imposed upon itself, thus resulting in an increasing identification of the Congress with the people of the States. [136]

Henceforth the Congress would actively participate in democratic reform movements within the states. The AISPC had, very early in its existence, made a demand that States representatives be elected rather than nominated. [137] Now they were to be actively supported by the Congress Party which had officially abandoned its policy of non-interference.

The changed Congress policy towards the states set the seal on the princes rejection of federation. The princes were hostile to federation which they regarded as leading to a diminution of their personal wealth and power. Congress demands for the election of states' representatives threatened further the autocratic position of the princes within their

[134]Phadnis, Integration Indian States, p126.

[135]Quoted in ibid, p127.

[136]ibid, pp127-128.

[137]ibid, p91.

states. A memorandum to the Political Department put together by the Chief Ministers of some of the states gave the princes views. In it they stated that if they had known that there were to be constitutional changes within the states as a precondition to the establishment of federation - "the idea of federation would never have emerged into the realm of practical politics". [138] That the change in Congress policy was one of the main reasons for rejecting the revised Instrument of Accession was made clear by the Chancellor, the Jam Sahib of Nawanagar, at a session of the Chamber of Princes in 1940. He stated that "the political situation and the hostility in British India towards the States also proved a decisive factor with many Princes. It was felt that the attitude of a large section in British India towards the Crown, and the recent experience of organised subversive movements from British India against the States do not in the present circumstances provide that basis which is essential for a closer union between British India and the States." [139]

R.J. Moore pertinently comments - "One prerequisite to the working of an all-India federation was an accommodation between Congress and the princes, which alas, was never even approached at the Round Table Conference." [140]

Mention must be made, finally, of the other target party in British India, the Muslims, represented by the Muslim League. The Muslims had supported provincial autonomy and they were willing, too, to cooperate in the establishment of a federation. They were given one-third of the British Indian seats at the centre and together with the support of the princes they would be able to outweigh the Congress. The federal scheme had been designed to assuage Muslim fears of domination by the Hindu majority, and it was one they could be expected to support.

The change in Congress policy towards the states and its active support for states' representatives to be elected, turned the Muslim League against federation, for it opened up the possibility of a Congress

[138]ibid, pp121-122.

[139]Quoted in ibid, p113.

[140]Moore, "Paper Federation", p77.

dominated centre. The Aga Khan admitted as much to Linlithgow early in 1940: "the sugar had all come off the pill the moment the States' representatives were to be elected by the States' peoples rather than nominated by the Rulers, for under such an arrangement the Muslims would not get from the States in the Central Legislature the support they required to balance Congress votes." [141] Congress activities, when attempts were made to implement federation, were responsible for making federation unacceptable to the Muslims.

5.9 Conclusion

Federation, one of the two major decisions in the Act, was not implemented. While it might be difficult in other cases to establish when efforts to implement a decision came to an end, such a difficulty does not arise in this particular case. History provides a neat cut-off date on which attempts to implement federation ended. Linlithgow's address to both houses of the Indian legislature on 11 September 1939, marked the end of attempts at implementation, for though the Viceroy spoke of efforts being suspended, they were never revived.

Unlike the earlier case of provincial autonomy which enjoyed widespread support among the involved parties, there was opposition to federation from a number of sources. This opposition had been made manifest during the long period of decision-making and continued during implementation. The princes, an important target party, particularly because of the veto given to them, were not willing to cooperate, for after initially being in favour of federation, they had turned against it. The Congress, the other major target party was largely ignored as the Government of India sought to bring in the princes, but it had the ability to resist implementation and to seek its own solutions to the problem. The Government of India, in particular the Political Department was not in favour of federation and was able to withhold cooperation by not giving the princes a lead. The Viceroy, it has been seen, was subject to domestic pressures which restricted his ability to act on the matter, and these

[141]Quoted in Moore, "British Policy", p83.

pressures came about as a result of the activities of an interest group, the diehards. The Viceroy did not resist these pressures but allowed himself to be held in check. The above account of attempts to implement federation demonstrates again the importance of target parties and the need for cooperation from them for successful implementation. The princes' refusal to sign the Instrument of Accession meant that the first step in implementing federation could not be taken. Vitally important too to successful implementation, was cooperation from the Congress party, but the Congress was hostile to the scheme and its activities set the seal on the failure to implement federation.

Chapter 6

Comparison of the Case Studies

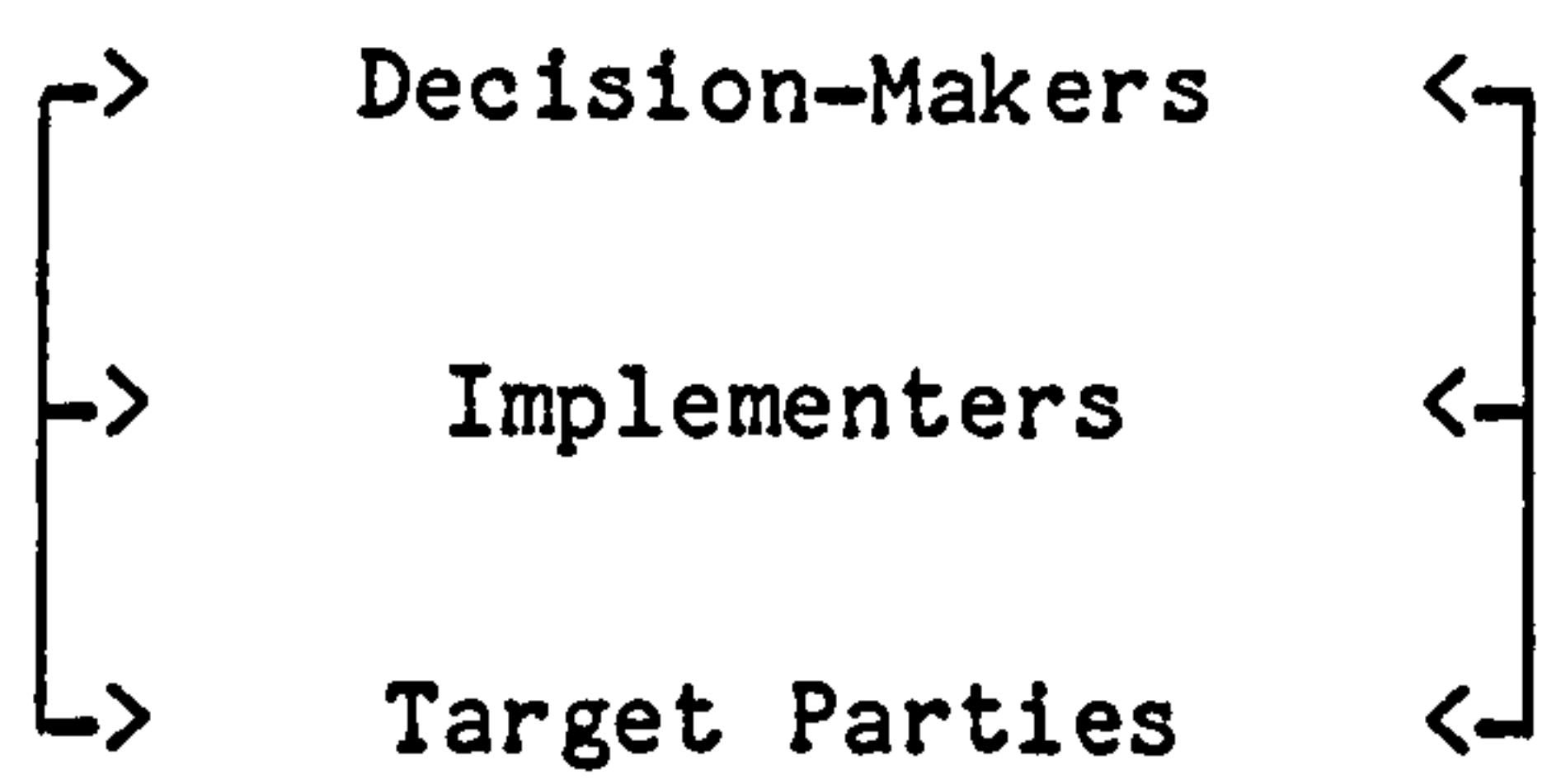
6.1 The Model

The 4 tier model of implementation set out in Chapter One, suggested that implementation was a process involving 4 main groups of actors, namely, interest groups, decision-makers, implementers and target parties. The model suggested that implementation was not a separate stage that followed the decision, but that decision-making and implementation were together part of one process, involving the 4 groups of actors identified above. The arrows in the model indicated that there was interaction between these 4 groups throughout the process. In each of the three cases however, there was a distinct decision as incorporated in the Act, which can be seen as a point at which the process froze or crystallised.

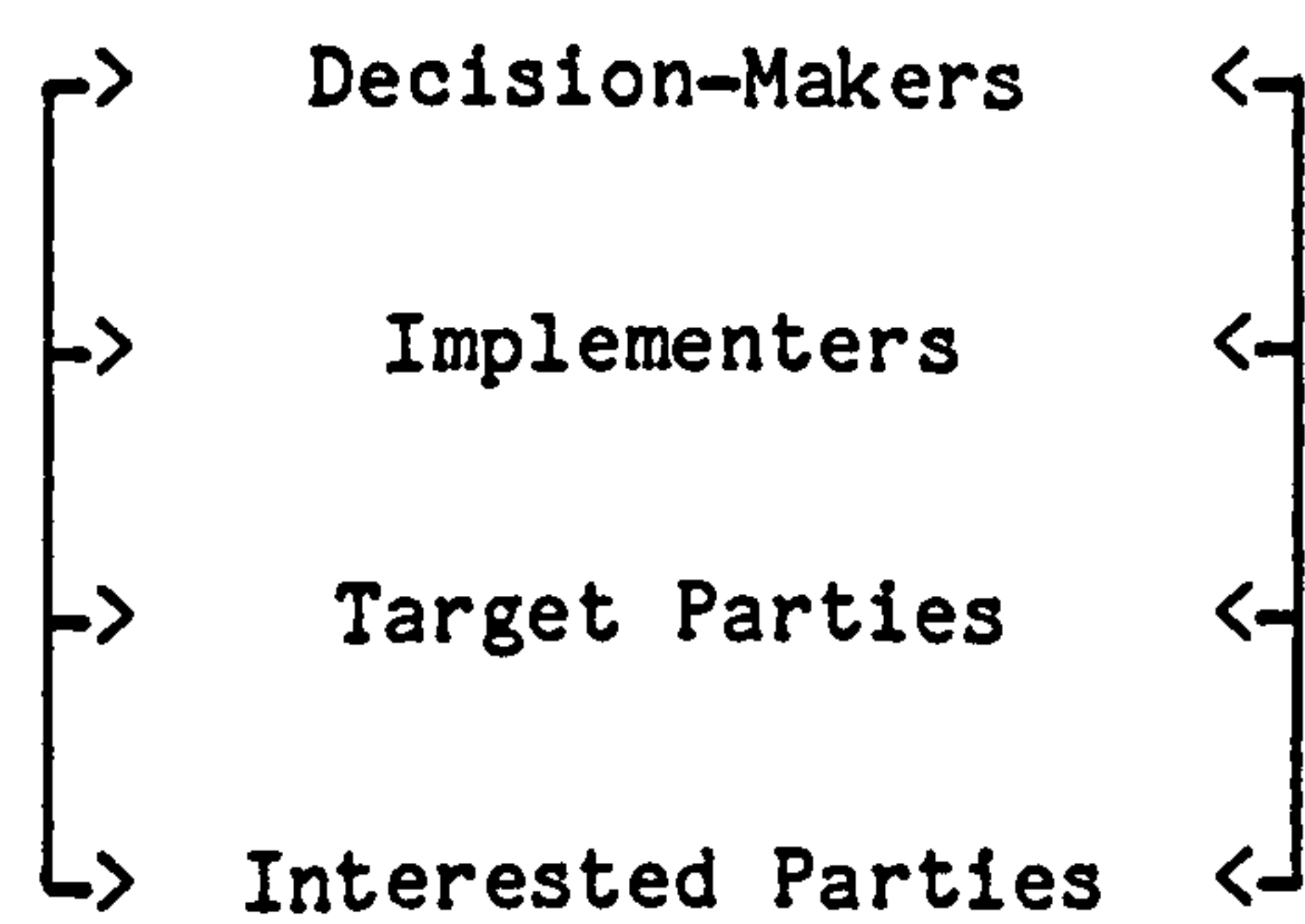
It is necessary to examine first the extent to which the model provides an accurate picture of implementation in the light of the three case studies examined. Though a simplification of reality, does it correctly represent implementation of the three decisions?

Provincial Finance - The decision-makers were the various committees appointed to examine the question of centre-state finances. Implementers were the Government of India, in this case this meant the Finance Department, and the single expert appointed to conduct the Financial Inquiry. The target parties were the government at the centre and the provincial governments, in particular the Finance Department of the Government of India and the financial authorities in the provinces. This reinforces the point made earlier about the difficulties of putting the actors into separate categories. In this case the Finance Department of the Government of India was both an implementer and a target party. There was, it has been seen, no involvement of interest groups. Thus in the first

case, a simplified version of the model, with only 3 tiers was sufficient as a description of implementation.

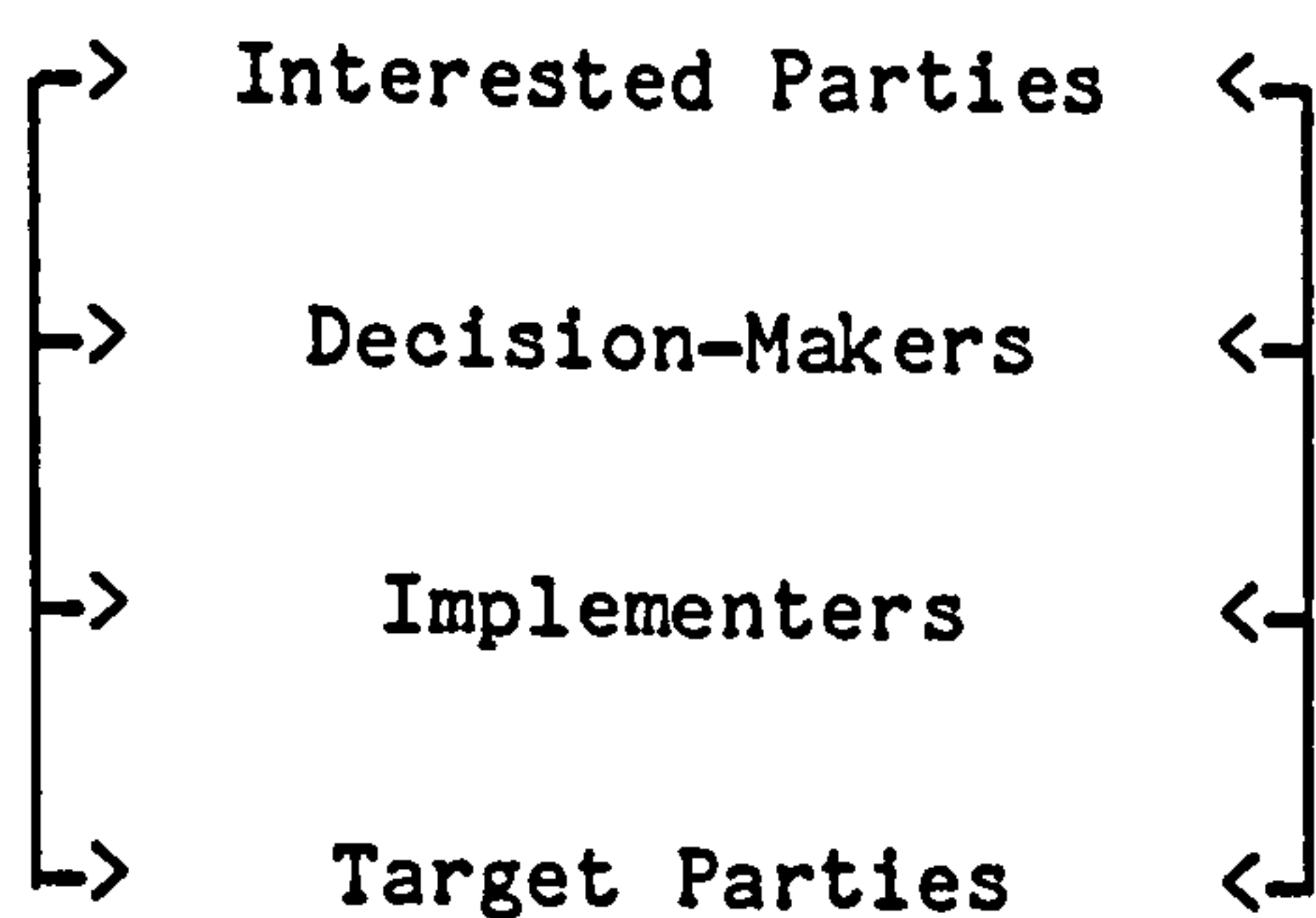


Provincial Autonomy - The decision-makers in the case of provincial autonomy were all those who participated in the lengthy period of decision-making that stretched from the appointment of the Simon Commission to the passing of the Act. Implementers were the Government of India, chiefly the Viceroy, though the Governors in the provinces were also involved, also the Secretary of State for India and the Cabinet of which he was a member. The target parties were the various political parties in India. Several of the target parties were involved in the making of the decision, representatives of political parties such as the Hindu Liberals and the Muslims had participated in the Round Table Conference discussions (the Congress was a notable absentee), highlighting again the difficulty encountered in categorising actors. There was involvement too, of an interest group, the left-wing of the Congress was an interest group that functioned within one of the target parties. This indicates that interest groups can get involved not just in the decision-making environment as suggested by the model, but also in the environment of implementation. In the second case a modified version of the model, indicating the presence of interest groups among target parties, would provide a better description of implementation.



Federation - In the case of federation, as in provincial autonomy, the decision-makers were all those who participated in the negotiations that

stretched from the appointment of the Simon Commission in 1927 till August 1935 when the Act received the Royal Assent. There was involvement by an interest group, the diehards in the Conservative Party, who made their opposition felt in a variety of ways. The implementers were the Government of India, chiefly the Viceroy who kept negotiations in his own hands, also the Political Department, as well as the Secretary of State for India and the Cabinet in London. The principal target parties were the princes, the Congress Party and the Muslims. The model provides the most accurate description in this case, for there was involvement by the four categories of actors as set out in the model.



The model indicated that there was interaction between the 4 categories of actors throughout and that implementation does not follow decision-making as a separate stage. That there was interaction between the 4 categories of actors is brought out in the case studies. The case studies also show that issues of implementation were under consideration, and that involved parties were making moves to further or to prevent implementation, during the period when the decision was being formulated.

In the case of provincial finance, the target parties, the financial authorities at the centre and in the provinces, made representations to the various committees. All the committees were aware of the provinces demands for greater resources to be allotted to them, and of their demand for a share in the proceeds of income-tax. The Finance Department too provided the committees with information on the financial needs of the centre. Both the centre and the individual provinces also made representations to the one-man financial inquiry. The Finance Member, it has been shown, was making moves to ensure that the financial inquiry would be conducted by someone who would be sympathetic to the views of the centre before the Act was passed. The Finance Member wrote to Niemeyer and

approached the India Office before the decision was made. Thus he was making moves towards implementation before the decision was formally embodied in the Act.

In the case of provincial autonomy too, implementation did not neatly follow decision in a sequential manner. The Congress Party was debating the issues of contesting elections and of office acceptance before the passing of the Act. Whether to cooperate, or not cooperate in implementation, was the subject of much debate and some controversy in the Party well before the decision was made. While several of the target parties were involved in the making of the decision, the Congress, which was not, was able to make its views known to the decision-makers through public statements and speeches. Not only did the implementers try to implement the decision, the target parties and the interest group involved, also attempted to influence the implementers. This is to be seen in the period of bargaining between the Congress and the Government of India on the issue of office acceptance. There were, as suggested by the model, interactions between the actors and these interactions ran both ways as indicated by the arrows in the model.

The interaction between the four groups of actors is also brought out in the case of federation. The interest group in this case, the diehards, were active during decision-making. The diehards also made attempts to influence the implementers by giving warnings about being on the lookout for pressure being put on the princes to accede. In addition the diehards made direct approaches to one of the principal target parties, the princes. Thus the interest group was seen to interact with all the other three groups of actors. Some of the target parties were involved with the decision-makers when they attended and participated in the Round Table Conference. There was interaction too between the target parties and the implementers and the interactions ran both ways. One of the target parties, the princes, tried to influence the implementers as they sought to improve the terms on which they were to accede to the federation.

In the case of federation too, implementation did not follow the decision as a separate stage. It was issues of implementation that caused a change in the princes attitude towards federation. Once they realised

the sacrifices they would have to make, the princes began to turn against federation. The change in the princes attitude came about quite early during the period of decision-making. The changed attitude of the princes encouraged the diehards to make approaches towards them. They tried to influence the princes to reject federation, for with the veto given to them, the princes were in a position to prevent implementation of federation. These approaches by the diehards to the princes were made well before the Act was passed.

That implementation is a process with close interaction between the units as portrayed in the model is supported by other works on implementation. Pressman and Wildavsky wrote that programs make policies operational by forging the first link in the causal chain connecting actions to objectives. Implementation is the ability to forge subsequent links in the causal chain so as to obtain the desired results. Each link is related to the other, but the relations run both ways, from front to back as well as from back to front. [1]

"The passage of time wreaks havoc with efforts to maintain tidy distinctions. As circumstances change, goals alter and initial conditions are subject to slippage. In the midst of action the distinction between the initial conditions and the subsequent chain of causality begins to erode. Once a program is underway implementers become responsible both for the initial conditions and for the objectives toward which they are supposed to lead." [2]

In an analysis of Britain's CSCE (Conference on Security and Cooperation in Europe) policy, Clarke found that major elements of Britain's general CSCE policy were formulated during the implementation process. He shows how the aims, priorities and expectations of the policy were evolved in the process of implementing it.

"The very ambiguity of the original commitment, the Final Act, has meant that CSCE policy is largely being made in the process of implementation

[1] Pressman, J.L. & Wildavsky, A. (1973) Implementation, Berkeley, University of California Press, p xv.

[2] ibid, p xv.

it provides a very good example of a case of 'policy process' as opposed to 'decision-making' in the more traditional sense." [3]

The authors quoted above are all making the point that much of policy can be made during implementation, so that decision and implementation are closely intertwined. The case studies analysed here show that links can run the other way as well. It has been seen that issues of implementation were being considered, and moves towards implementation (or non-implementation) were being made during the period of decision-making.

There is support too for the idea that policy can be made, the initial decisions altered, during implementation. In the case of provincial autonomy, Congress demands for assurances from the Governors were aimed at making the decision more favourable to the Party. In the case of federation, Linlithgow recommended that the princes be allowed to retain revenues from certain sources which would be lost to them under the federal scheme, and he was involved in some controversy with the Secretary of State on this matter.

"What emerges from this controversy over the terms on which the states would be required to federate is that Linlithgow, in his anxiety to inaugurate federation, was moving steadily away from the principles of the Act." [4]

That decisions can be altered during implementation, is shown dramatically by Congress activities during attempts to implement federation. Congress demands for states' representatives to be elected would have led not just to an amendment of the federal scheme, but would have revolutionised it.

Thus decision-making and implementation are closely linked: "it has been suggested that we may in fact find it impossible to say where policy-

[3] Clarke, M. (1985) "The Implementation of Britain's CSCE Policy, 1975-84", in Smith, S. & Clarke, M. (eds) Foreign Policy Implementation, London, George Allen & Unwin, p 162.

[4] Ashton, S.R. (1982) British Policy Towards the Indian States 1905-1939, London, Curzon Press, p 168.

making stops and implementation begins." [5] Despite the interconnections between the two, it has been recognised that there is a need, to separate decision-making and implementation.

"However extensive the links and overlaps between the two stages, there are nevertheless good reasons (in addition to the ordinary usage of words) for drawing a distinction between them." [6]

If we are to gain an understanding of implementation, it is necessary, despite decision-making and implementation being part of the 'policy process' to deal explicitly with issues of implementation.

6.2 The Propositions

1. The longer the time taken over the decision, greater the chances of opposition to the decision, as there is more time available for opposition to form and thus the greater the likelihood of controversy.

In the case of provincial finance, the time taken over the decision was long, but during the period in which the decision was made, opposition did not gather force. The problem of separation of revenues between the centre and the provinces was a difficult one to which there was no easy solution. Attempts to find a satisfactory formula led to the appointment of several committees to investigate the issue and to make recommendations. Discussions were confined to these committees and the reports produced by each committee served as the basis for future bodies of experts to make further recommendations. There was thus little controversy, but much reexamination of the problem, during the lengthy decision-making period.

In the case of provincial autonomy too, the time taken over the decision was long. The length of time available did not lead to the forming of opposition. There was little controversy, for there was a widespread consensus on the need to make the provinces autonomous of the centre. The

[5] Lewis, D. (1984) "Conclusion. Improving Implementation.", in Lewis, D. & Wallace, H. (eds) Policies into Practice, London, Heinemann Education Books, p 204.

[6] *ibid*, p 204.

Report of the Simon Commission had recommended that dyarchy be abolished and that fully responsible governments be established in the provinces. This recommendation had the support of all the parties in Britain, including the diehards on the right-wing of the Conservative Party who were critical of other concessions to nationalist opinion. The Government of India had expressed itself in favour of provincial autonomy. The political parties in India, too, it has been shown, were in favour of the decision. The lack of controversy meant that issues connected with provincial autonomy were quickly settled and discussions at the Round Table Conference and afterwards revolved round other issues.

In the third case, federation, the time taken over the decision was long and there was considerable controversy over the decision. The presence of the princes at the first Round Table Conference and the demand for an all-India federation by the Indian delegates came as a surprise. The Simon Commission's Report had envisaged a federation in the distant future. This was the view too of the British delegates to the RTC and of the Government of India. When federation was adopted as a more immediate prospect, a section of the Conservative Party which was bitterly opposed, attacked it at every stage. The lengthy procedure, three Round Table Conferences, issue of a White Paper, examination by a Joint Select Committee of Parliament, gave the diehards plenty of time to make their opposition felt, both inside and outside Parliament. It should be noted that opposition from the diehards caused delays in the passing of the Bill, so that controversy over the decision contributed to an increase in the length of time taken over the decision.

Thus the proposition that greater the length of time taken over the decision, the greater the likelihood of controversy as there is more time for opposition to form, is supported only in the third case. In the first two cases, the lengthy decision period did not lead to controversy, in the case of federation, the opposition led to a lengthening of the decision period.

2. Greater the controversy at the time of decision, greater the chances of opposition being carried through to implementation and thus greater the difficulties in implementation.

In the case of provincial finance there was no controversy at the time of decision, thus no opposition to be carried through into implementation. In the second case, that of provincial autonomy, there was opposition and difficulties in implementation, but this was not carried through from the time of decision, but came about through the activities of an interest group, the left wing of the Congress Party. There is support for the proposition in the third case study. The controversy over the making of the decision on federation, in particular, opposition from a section of the Conservative Party did affect implementation. A Conservative Viceroy in India, and a Conservative Government in Britain, had responsibility for implementation. The diehards gave repeated warnings on the need for caution in proceeding with federal negotiations, and the need to give the diehards no excuse to renew their attacks, led to difficulties in implementation. Negotiations with the princes could not proceed solely with a view to getting them to accede, but had to take into account probable diehard reactions, and this increased the difficulties in implementation of federation.

3. Greater the controversy at the decision stage, the less the chances of successful implementation as there would be less willingness to reopen or amend a decision reached after long negotiations, hence reducing the room for manoeuvre.

In the case of provincial finance, the obverse of the proposition was found to be true, there was willingness to reopen and amend a decision which had involved little controversy. Niemeyer asked for a change in the terms of reference of his Inquiry, so as to be able to include matters not covered by the original decision, such as provincial debts. The broadening of the terms of reference requested by him was readily agreed to. Thus it became possible to deal with certain issues during implementation, that it would not otherwise have been possible to deal with under the terms of the decision as incorporated in the Act.

In the case of federation in contrast, when the Viceroy, Linlithgow, sought an amendment of the Act, both the Secretary of State and the Prime Minister expressed their unwillingness to reopen the decision. The reason given by them was the controversy at the time of decision, they were

reluctant to go to Parliament to seek an amendment of a Bill that had been passed after lengthy negotiations. Reopening the issue, they feared, might lead to fresh dissensions in the Conservative Party.

In the case of provincial autonomy, one can see Congress demands for reassurances from the Governors as an attempt to amend the decision. Its failure to achieve this was not however caused by unwillingness to amend a decision reached after long negotiations, but by an unwillingness on the part of the Government of India to make concessions to the Congress.

4. More open the decision, the greater would be the difficulties in implementation. Decisions are often intentionally open as this may be the only way to make a decision acceptable to those responsible for making it.

While the decision on provincial autonomy was not an open one, the other two decisions examined in this study were both open in that many details of both decisions were left to be settled during implementation. The decision on separation of revenues though open did not lead to difficulties in implementation. It had been left open as it had been found difficult to find a way of separating completely the revenues of the centre and of the provinces without affecting the financial stability of either. While the Act settled the broad question of separation of finances, it left the final details to be settled during implementation. The decision was not left open as a way of settling differences between parties to the decision, but because of the technical difficulties involved.

There is support for the proposition in the third case examined, federation. The fact that the terms on which the princes were to accede had not been settled, but were left to be resolved after the Act had been passed, caused difficulties in implementation. Without the princes' accession, the first necessary step in the implementation of federation could not be taken. Negotiations to settle the terms on which the princes would be asked to accede stretched over a number of years till brought to an abrupt end by World War II. The decision, it has been shown, had been deliberately left open. The initial enthusiasm of the princes for federation had faded very quickly. They began to realise the disadvantages

to them of federation, such as loss of revenue and curtailment of sovereignty. They began to demand a satisfactory resolution of these issues, in particular, a definition of paramountcy. The difficulties in resolving these issues, led to them being postponed to be settled during implementation. The decision on federation as embodied in the Act was made acceptable to the princes (they criticised it, but did not reject it completely) by leaving it open.

It has been recognised that decisions are often deliberately left open to make them acceptable to the various parties:

"The ambiguities of political language reflect the difficulty of obtaining agreement on policy between conflicting and competing interests, especially when a number of parties are involved. It is no accident that, in the reports of committees, the crucial passages are frequently written in an obscure and Delphic way."

and that this causes difficulties in implementation:

"Where ambiguities and discrepancies do cause problems of course is at the implementation stage. The implementation of the compromise policy has to satisfy all conflicting interests, and they in turn are expected to fulfil the commitments they made in the process of bargaining which led to the statement of the policy. But this means translating ambiguous words and symbols into unambiguous , or at least less ambiguous reality. It seems almost inevitable that some of those concerned will end up disappointed or discontented." [7]

5. The greater the amount of time available for implementation, more the chances for opposition to make itself felt and therefore less the chances of successful implementation.

In the case of provincial finance, the amount of time available for implementation was fairly short. The necessary Orders-in-Council had to be passed before provincial autonomy was inaugurated on 1 April 1937. The Orders-in-Council were therefore to be placed before Parliament in the

[7] Lewis, "Improving Implementation", pp210-211.

summer of 1936. This meant that the inquiry into provincial finance had to be conducted during the winter of 1935-36. The fact that there were constraints on the amount of time available for implementation expedited the appointment of the one-man commission to conduct the financial inquiry, and also ensured that it was carried out without delay. Thus in the first case, the limited amount of time available was a contributory factor in ensuring implementation.

In the case of provincial autonomy, a definite date was set by which responsible governments were to be established in the provinces, 1 April 1937. The first step towards implementation, the holding of elections was taken before this target date, in the winter of 1936-37. Provincial autonomy was implemented by the target date in the four non-Congress provinces (Bengal, Punjab, Assam and Sind), but in the Congress provinces, with the refusal of the Congress to accept office, minority governments were installed, and a crisis was avoided by postponing the summoning of the legislatures. The fact that these legislatures would have to be summoned within six months provided a focus for the negotiations that followed. As the months passed, pressures grew on both sides to resolve the issue. The Viceroy was subject to criticism from many sources for his stand, and there were pressures within the Congress Party from those anxious to accept office, to find a way to do so. All the parties involved were aware of the need to seek a way of implementing provincial autonomy within the six month period after 1 April 1937. The fact that after this six month period a totally different situation would prevail, was an important factor in influencing the parties involved to seek a resolution of the issue before that date. While implementation was not achieved in the Congress provinces by the initial target date, 1 April 1937, circumstances provided a second target date (six months from 1 April 1937) that limited the time available for implementation. In the second case thus, though there was opposition, the limited amount of time available contributed to limiting this opposition, for those in favour of implementation sought a compromise before the six month period was at an end.

In the third case, federation, no date was set by which federation was to be implemented. The Viceroy tried to set target dates by which

negotiations with the princes were to be completed, but they lacked any kind of sanction. The fact that no target date was set for the inauguration of federation, meant that negotiations with the princes were conducted in a leisurely manner. The princes kept putting forward demands and the Government of India sought ways to make concessions. Correspondence between the Viceroy and the Secretary of State stretched from August 1937 to January 1939 on the revised Instrument of Accession to be put to the princes. (Opposition from the princes did not form during this period, they had become opposed before the passing of the Act.) The amount of time available did however encourage the princes to continue putting forward demands, to try to secure better terms for accession. Even when they rejected the revised Instrument of Accession, they expressed the hope that HMG did not intend 'to close the door on an all-India federation'. The amount of time available encouraged both the Government of India and the princes to act in a leisurely manner, devoid of a sense of urgency during implementation of federation.

The amount of time during which negotiations were conducted between the Viceroy and princes, allowed the Congress Party which was opposed to federation, to make its opposition felt. It set out to revolutionise the scheme of federation, to change it forcibly by abandoning its earlier policy of non-interference in states affairs and by demanding that states' representatives be popularly elected.

Thus the lack of a date by which federation was to be implemented encouraged the Government of India to act in a leisurely manner while the princes had ample opportunity to put forward a never-ending series of demands. This contrasts sharply with the sense of urgency displayed by the Government of India and the Congress Party in negotiations over provincial autonomy. It allowed time too for the Congress to make its opposition felt and this was an important factor in the non-implementation of federation.

Comparison between the cases shows that the setting of a target date can help implementation. Lack of a target date leads to a leisureliness in negotiations which may drag on indefinitely, while setting a target date brings a sense of urgency in concluding negotiations.

6. The greater the number of parties involved in implementation, the less the likelihood of the decision being implemented, as bargaining among the parties would need to be resolved by compromise. Greater the number of parties involved, the greater the difficulty in reaching a compromise.

In the case of provincial finance, the number of parties involved in implementation was very small. The Niemeyer Report reflected a consensus reached between Niemeyer and the Finance Member of the Government of India. The correspondence reveals certain differences in the attitudes of the two parties, but these were soon resolved.

In the second case, that of provincial autonomy, the number of parties involved in implementation was very large. Bargaining during implementation did not however involve all the parties. In the non-Congress provinces, the non-Congress parties who were in a position to form governments, did so on 1 April 1937. There was some bargaining between the Government of India and the Congress Party, but a compromise was reached when the Congress accepted the conciliatory tone of the Viceroy's speech to end its opposition to taking office.

In the case of federation, the number of parties involved in implementation was very large, and with little support for federation among any of the parties, bargaining involved all of them. Negotiations with the princes meant that the Government of India had to negotiate with 144 individual princes, and it proved difficult to find a formula that would cover all their demands. The Congress by making demands for states' representatives to be elected introduced an element that made federation even less acceptable to the princes and turned the Muslims against federation. Reaching a compromise between all these parties would have presented enormous, perhaps insuperable difficulties, but with the princes rejection of the revised Instrument of Accession and suspension of federal negotiations, the necessity for doing so did not arise.

There is thus some support for the proposition that the greater the number of parties involved in implementation, the greater the difficulties in implementation. However, not all the parties become engaged in bargaining. Parties who support the decision, such as the non-Congress

parties in the case of provincial autonomy, do not become involved in bargaining. Parties who do not support the decision, such as the princes, or are opposed to the decision, such as the Congress (both in the case of federation), are responsible for the need for further bargaining during implementation. Thus it is not just the number of parties involved who cause difficulties in implementation, but the number of parties involved who do not support the decision, or who oppose the decision, who cause difficulties in reaching a compromise and therefore in implementation.

7. Lower the level of cooperation received from implementers, greater will be the problems in implementation.

In the first case study, the implementers were the Government of India, particularly the Finance Department of the Government of India, and the single expert appointed to conduct the financial inquiry. The Government of India was in favour of the provinces being granted autonomy, and financial autonomy for the provinces had to be granted if provincial autonomy was to have real meaning. Since there was support for the decision in the Government of India, cooperation from the implementers was forthcoming during implementation.

In the second case, the main implementers were the members of the Government of India, in particular the Viceroy. The Government of India in its despatch had expressed itself in favour of provincial autonomy and thus there was cooperation from the implementers during implementation.

In the case of federation there was cooperation from some of the implementers. The Viceroy made many efforts to get the princes to accede and was supported to a large extent by the government in Britain. There was however no cooperation from the Political Department of the Government of India which was in a position to influence the princes. The Political Department did not utilise its influential position to persuade the princes that accession to federation was in their best interests. The Political Department was opposed to the decision on federation, fearing it would bring about a diminution of their authority in the states, and thus was unwilling to cooperate in its implementation. Though there were some cases of Political Officers working actively against federation, most

members of the Department were able to withhold their cooperation by simply doing nothing. The princes needed to be given a definite lead and Political Officers were well placed to provide such a lead. Their policy of doing nothing contributed to the problems encountered in attempts to implement federation.

In an analysis of implementation of oil sanctions against Rhodesia, Brian White found that the British Government, to effectively impose sanctions, needed cooperation from a wide range of agents. These included transnational corporations and states with oil interests in Southern Africa, and the United Nations. There was support within the U.N., but cooperation from many of the oil companies and states involved was 'half-hearted at best', while Portugal and South Africa actively opposed sanctions. Lack of cooperation from these agents, he found, contributed to the failure of oil sanctions against Rhodesia. [8]

8. The greater the ability of target parties to resist, the greater will be the problems in implementation.

In the case of provincial finance, the target parties were the Finance Department of the Government of India, and the financial authorities in the provinces. The Finance Department was closely involved in implementation and in securing favourable terms for the centre. The provinces did not have the ability to resist implementation, though some provinces were unhappy with the assistance they had received from the centre. Once the Orders-in-Council had been passed, they became binding on the provinces (and on the centre).

In the case of provincial autonomy, the target parties were the various political parties in India. All the target parties had the ability to resist implementation by not contesting the elections, and by not accepting office if elected. All the target parties chose to contest the elections, and all except the Congress agreed to take office. The Congress Party refused to accept office for a period of three months. If it had

[8] White, B. (1985) "Britain and the Implementation of Oil Sanctions against Rhodesia", in Smith & Clarke (eds) Foreign Policy Implementation, pp 41-42.

continued its policy of refusal, implementation of provincial autonomy could not have taken place in the Congress provinces. The Viceroy would have had to instruct the governors in these provinces to assume all powers under Section 93 of the Act, thus admitting failure to implement the decision on provincial autonomy. The non-Congress parties did not resist implementation because they were in favour of the decision. The Congress too, ceased to resist implementation after a period of three months, because a majority within the party was in favour of provincial autonomy, and only a minority on the left of the party was opposed.

In the case of federation, the principal target parties were the princes, the Congress, and the Muslims. The princes ability to resist implementation was self-evident, they had been given a veto on the establishment of an all-India federation, a veto that was written into the Act. That the Muslims, and to an even greater extent the Congress, as the main political force in India, also had the ability to resist, was obscured as efforts to establish federation revolved round attempts to gain the accession of the princes. Congress demands to have states' representatives elected, and its changed policy towards the princely states, dramatically demonstrated the strength of the Congress. It sought to forcibly alter implementation of federation in a manner that would allow the Congress to gain power at the centre which the Act had been designed to prevent. Congress domination of the centre could be prevented in the decision, but during implementation, given its political strength in the country, it could alter this position. In devising the scheme of federation the princes and Muslims could be allotted enough seats so that together they could act as a check on the Congress. During implementation, the Congress demonstrated its ability to resist this by seeking to revolutionise the scheme of federation.

The ability of the princes and of the Congress to resist caused sufficient problems to prevent federation from being implemented. The princes resisted implementation as by the time the Act was passed, they had ceased to be supporters of federation. The Congress had all along opposed federation, unlike provincial autonomy which a majority within the party supported. Thus the Congress resisted implementation of federation, not by refusing to cooperate in an all-India federation - the princes

refusal to accede meant that the first condition in implementing federation was not met - but by seeking to revolutionise the federal scheme. This made federation even more unacceptable to the princes and turned the Muslims too against federation. The problems created were so great that federation was not implemented.

That the ability of target parties to resist is an important factor was shown in the case of non-implementation of oil sanctions by Britain. It was found that an important reason for Britain's failure to impose oil sanctions against Rhodesia, was the ability of Rhodesia and the Smith regime to frustrate the sanctions effort. Portugal and South Africa played a significant role in helping Rhodesia to resist sanctions. In addition, the Rhodesian economy, which had appeared vulnerable to economic and oil sanctions, proved instead to be very resilient. [9]

9. The longer the chain of command, the greater would be the difficulties in implementation. Decisions are rarely tailored to facilitate monitoring and as a result senior players have great difficulty in checking on the faithful implementation of a decision.

This proposition proved somewhat problematic. The chains of command could be enumerated as follows. In general, there was a distinct hierarchy in that the Viceroy was subordinate to the Secretary of State. The Viceroy had departments under his charge at the centre, such as the home and finance departments, while each province had at its head a Governor, who was subordinate in authority to the Viceroy.

In the first case examined, the chain of command was Secretary of State -> Viceroy -> Finance Department. However, implementation was mainly in the hands of the expert appointed to conduct the Financial Inquiry, and he functioned independently of this chain (of command). In the second case it was Secretary of State -> Viceroy -> Governors. In this case, the Congress under Gandhi's leadership, resisted efforts to decentralise negotiations. Though Governors in some of the provinces were involved, particularly in Madras, negotiations were concentrated in the hands of the Viceroy at the

[9] White, "Implementation of Oil Sanctions", p43.

centre. In the third case, the chain of command was Secretary of State -> Viceroy -> Political Department. In this case, it was the Viceroy, who, aware of the hostility within the Department to federation, sought to exclude the Political Department from federal negotiations, and did succeed, at least initially, in doing so.

In each of the three cases, the chain of command was bypassed and therefore was not an important factor in implementation. Thus the evidence for this proposition in the cases examined was found to be sketchy. The proposition may be more fruitful for analysis in cases where implementation within a bureaucracy is examined, for in a hierarchical structure such as a bureaucracy, it would be possible to trace a more distinct chain of command and the role of junior players in promoting or blocking implementation. [10]

This is supported by other works which examine implementation in a wider context than the bureaucracies involved. Smith and Clarke found that a study of implementation led to certain shifts in emphasis. One was to see the international arena as an arena of policy implementation. In this arena, the metaphor of 'chain of command' is less accurate than the metaphor of 'coalition'. [11] This is because "to pursue a policy the initiator must build and maintain over time a coalition of implementing agencies who will accord an appropriate priority to that policy in some meaningful way". [12] Once it is accepted that implementation involves a number of implementing agencies, the concept of 'chain of command' becomes less relevant.

10. Greater the number of actors involved in both decision and implementation, the greater the chances of successful implementation. A corollary of this is, that typically, ambassadors and field commanders do not feel obliged to faithfully implement decisions because they are not usually involved in the making of the decision.

[10] See Halperin, M.H. (1974) Bureaucratic Politics and Foreign Policy, Washington D.C., Brookings Institution.

[11] Smith, S. & Clarke, M. (1985) "Foreign Policy Implementation and Foreign Policy Behaviour", in Smith & Clarke (eds) Foreign Policy Implementation, pp 6-7.

[12] Clarke, "Implementation of Britain's CSCE Policy", p 171.

In the case of provincial finance, there were no actors involved in both decision and implementation, the decision was the result of deliberations by a succession of committees. This did not however create difficulties in implementation.

In the case of provincial autonomy, political parties such as the Liberals and the Muslim League were involved in both, decision and implementation. The main political party, the Congress, was not involved in the decision, but after its success in the elections of 1937, it became clear it was the main party involved in implementation. Objections from a section of the Congress did lead to difficulties in implementation, so that there is some support for the proposition in this case. The Government of India, though not involved in the decision, had expressed itself in favour of provincial autonomy and thus was willing to cooperate in its implementation.

In the case of federation, the princes had not only been closely involved in the decision, the initiative had come from them, yet they were one of the principal parties in precluding the implementation of federation. The reason for this is that their attitude changed from one of support to one of hostility. The proposition has an implicit assumption that the attitude of the actors remains the same, while that of the princes underwent a drastic change within a very short period of their enthusiastically proposing the federal scheme. The Congress Party had been virtually excluded from the decision and Congress activities during implementation were such as to ensure non-implementation of federation. The Viceroy was in favour of federation, as chairman of the Joint Select Committee he had been involved in the decision, and he did make efforts to ensure its implementation. The Political Department on the other hand, which occupied a position similar to that occupied by ambassadors or field commanders, had not been involved in the decision, and did not feel obliged to help in its implementation.

Thus there is evidence to support both the proposition and its corollary in the third case. The behaviour of the princes which contradicts the proposition is explained by the change in their attitude which went from enthusiastic support at the first Round Table Conference

to outright hostility during implementation.

11. Organisations get involved in implementation in fairly regularised ways. Where a decision leaves leeway for the organisation that is implementing it, that organisation will act so as to maximise its organisational interests.

In the case of provincial finance, the involvement of the Finance Department in implementation followed as a matter of course. The financial expert appointed to conduct the inquiry naturally sought information from and consulted the Finance Department of the Government of India and the financial authorities in the provinces. (It was the degree of collaboration between the Finance Department and Niemeyer, and the influence that the former was able to bring to bear on the latter that was unusual.) The provinces for their part, in sending information to Niemeyer, made demands for the maximum allocation of finances to be made to the provinces. It was not that the provinces acted together on this issue, but rather that each sought to gain the maximum of financial benefits for itself. The Finance Department too sought to retain the maximum of revenues for the centre. Its influence and success in this issue, it was able to prevent any immediate distribution of income-tax to the provinces, has been shown. Thus the (financial) organisations acted in such a way as to maximise their interests. This had implications for the manner in which the decision was implemented but did not create difficulties in implementation.

In the case of provincial autonomy, while the administrative machinery of the Government of India would have been involved in the holding of elections, there was little involvement by any organisation in the subsequent negotiations.

In the third case, that of federation, since negotiations concerned the princes in the first instance, the organisation dealing with relations with the princely states was involved. The Viceroy sought to exclude the Political Department, but once it was decided to meet the princes demands for financial concessions, the Political Department could not be kept out of the picture. The Political Department for its part did nothing to

persuade the princes to accede to federation. The motives of the Department were clear; federation would lead to a lessening of the authority of political officers in the states, and it was in the interests of the Political Department that federation should not be established. Members of the organisation did not commend the federal scheme to the princes, they failed to give the princes a lead in this matter and some even worked actively against implementation of federation. Thus the involvement of the Political Department also followed as a matter of course and its members acted so as to maximise their interests and this added to the difficulties in implementation.

12. Interest groups tend to get involved in implementation on an ad hoc basis and on particular, discrete issues, and act so as to protect or advance those interests which are the raison d'etre of their group. The greater the involvement of such groups, the greater the difficulties in implementation.

In the first case, that of provincial finance, no involvement by interest groups was found.

In the case of provincial autonomy, the involvement of an interest group, the left-wing of the Congress Party, has been traced. While the Congress Party as a whole could be said to be involved in implementation as a matter of course, being one of the principal target parties, the left-wing of the Congress chose to get involved on the issue [13] and to oppose one particular course of action, acceptance of office. The left-wing was committed to a revolutionary attitude towards the government, and was opposed to any form of cooperation with it, such as agreeing to the formation of ministries. The evidence shows that the involvement of this interest group was the principal cause of the difficulties encountered in the implementation of provincial autonomy.

In the case of federation too there was involvement by an interest group, the diehards. As part of the Conservative Party whose members were the chief makers of the 1935 Act, they were involved in all the decisions

[13] The left-wing was an interest group that functioned within one of the target parties, namely the Congress Party.

in the Act. There was no opposition from the diehards to separation of finances or to provincial autonomy. It was only on the issue of federation, that the diehards became actively involved. They adopted a variety of tactics to mobilise opinion within the Party against the proposed federation. The diehards were committed to the concept of Empire. Federation, which involved transfer of some responsibility to Indians at the centre, was felt by many of them to be a threat to this concept. They acted to oppose federation for they feared that it would lead ultimately to India being lost to the Empire. Some of the opposition, it has been seen, was also motivated by a desire to attack Baldwin's leadership.

Thus in the two cases where there was involvement by interest groups, it was on an ad hoc basis and on particular issues. The left wing of the Congress did act to protect those interests which were the core interests of the group. The diehards too acted in defence of Empire but not all of them were so motivated. The role played by these interest groups created difficulties in implementation, which were absent in the first case where there was no involvement by any interest group.

13. Interest groups will have influence when there is an ideological connection between them and those whose task it is to implement decisions, the implementers. Such groups will not be able to influence officials if they are in ideological or political conflict with them. There is generally a close affinity between officials and the individual or group whose position they are persuaded to support.

There is some evidence for this proposition in the latter two cases where there was involvement by interest groups, and the evidence is strengthened when a comparison is made between the two cases. During negotiations with the Congress Party on the issue of office acceptance, the Viceroy refused to make any of the concessions demanded by the Party. The Congress Party's demands had come about because of the activities of its left wing and the Viceroy, a Conservative, was ideologically far removed from this interest group. So determined was he not to make concessions which would be seen as a victory for this interest group, that at one stage he even threatened to resign if forced to act otherwise by the Cabinet in London.

In the case of federation, in contrast, Linlithgow accepted the Secretary of State's suggestion that it was necessary to proceed in federal negotiations in a manner that would not arouse the hostility of the diehards. He acquiesced by not putting pressure on the princes and instead attempted to gain their accession through concessions. As a former member of the Conservative Party, he accepted that there was a need to keep the Party united by not provoking the diehards in any way. Though Linlithgow did not support the diehards position that no responsibility should be transferred at the centre, the diehards were able to influence federal negotiations. Thus the Viceroy's ideological background was an important factor, but the relationship between this and the interest group which was able to exercise influence, the diehards, is not a simple one as suggested by the proposition.

14. Domestic pressures or even anticipation of such pressures can hinder implementation as they can restrict a government's ability to act.

In the case of provincial finance, there were some domestic pressures, in that the India Office had its own views on the implementation of the decision, and these had been communicated to the expert conducting the financial inquiry. These views had been ignored almost completely so that these domestic pressures had little impact on implementation.

In the case of provincial autonomy, domestic pressures were very evident. The Viceroy was made aware of the views of some liberal members of the Cabinet, that he should make some conciliatory moves to break the deadlock with the Congress. As the stalemate continued, members of the Cabinet became more alarmed and finally made it clear that a peace offer would have to be made to the Congress, before the Governors would be allowed to assume power in the provinces, if the Congress continued to stay out of office. These domestic pressures did not hinder implementation for two reasons. Firstly, the Viceroy resisted these pressures and stood firmly by his policy of not making concessions. Secondly, when it seemed he was going to be forced into making concessions, he threatened to resign, but by that time the Congress Party had met and had changed its stand. The Viceroy's resistance of domestic pressures, and the timing of them, pressures were most intense at the time the Congress was changing its

stand, made the domestic pressures ineffective in this case.

In the case of federation too there were domestic pressures channelled through the Secretary of State. The Viceroy was warned that the princes were not to be subjected to any coercion in attempts to gain their accession. Thus the Government of India found its ability to act on this issue restricted and it sought to gain the princes accession by making concessions. It is significant that the diehards were not as active during implementation as they had been during the lengthy period of decision-making, yet anticipation of trouble from that quarter, reinforced by an occasional warning, was sufficient to instill caution in the Government of India's conduct in its negotiations with the princes.

Thus it is only in the third case that the proposition is fully supported. In the first case, domestic pressures were ignored. In the second case, the Viceroy resisted pressures from Britain and was helped by events in India, the Congress reversed its earlier stand and decided to accept office.

That domestic pressures cause difficulties in implementation is shown in the case of implementation of French policy in Africa: "traditional lack of interest in government policy in Africa had been a major governmental resource since the end of the Algerian problem in 1962." [14] Once the domestic context changed, criticism in France caused difficulties in implementing French policy in Chad. [15]

6.3 Neglect of issues of implementation

The three case studies thus provide some evidence that supports both the model and the propositions. The above analysis provides some answers to the fundamental question asked in Chapter 1: What were the factors that were conducive to implementation and what were the factors that prevented

[14] Farrands, C. (1985) "'Diamonds and Impotence': The Implementation of Giscard d'Estaing's African Policies", in Smith & Clarke, Foreign Policy Implementation, p 82.

[15] *ibid*, pp 81-84.

implementation? The analysis also suggests some conclusions.

Implementation in the first case examined followed a distinctly different pattern from implementation in the latter two cases. Despite the length of time taken over the decision, this had not led to controversy, and despite the decision being an open one, this did not cause difficulties in implementation. Factors which contributed to successful implementation were the restricted amount of time available, the small number of parties involved, the lack of involvement of interest groups, the absence of domestic pressures, and perhaps most important of all, the inability of the target parties to resist implementation. The target parties were able to make representations to the expert conducting the financial inquiry, but the Order-in-Council once passed, was binding both on the centre, and on the provinces.

In the second two cases, the political context was different, for in both, implementation involved target parties who had the ability to resist implementation. Though no attempt was made while setting out the model and propositions, to distinguish the political context in which implementation takes place, it is, the analysis of the case studies shows, an important factor in implementation. Political support from these target parties was essential for successful implementation, but was not needed in the first case.

"we might say that political support, or the lack of it, and the degree of prominence or saliency that a policy achieves, has an impact on the manner or style of its implementation. Independently of the choice of strategy, there will be a considerable difference of style between an everyday policy which is uncontroversial and attracts little public attention, and one which has great priority and very strong ministerial support. The whole way in which the latter is managed will be quite different because the political context is different." [16]

In the case of provincial autonomy, the number of parties involved was very large. Not all the parties however became involved in the period of

[16] Hyder, M. (1984) "Implementation. The Evolutionary Model.", in Lewis & Wallace (eds) Policies into Practice, pp 7-8.

bargaining that followed. Despite the length of time taken over the decision, there had been no controversy. There was a widespread consensus over the decision, both in England and in India. There was support for the decision among the implementers, and they were willing to cooperate during implementation. There was support too among the target parties, both among the non-Congress parties, and within the Congress Party. The non-Congress parties did not resist implementation, they participated in the elections and formed governments in the four provinces in which they were in position to do so. The activities of an interest group, the left wing of the Congress Party, led to the Congress party as a whole resisting implementation for a period of three months, but the resistance soon ended. The setting of a target date was a contributory factor, but the crucial factor was the desire among the majority of the party to accept office. The case of provincial autonomy showed that the Congress was the principal target party in India, for it was in control in 7 out of the 11 provinces. With cooperation from the Congress, provincial autonomy could be implemented, while resistance from the Party could have prevented implementation. Resistance from any of the parties in the non-Congress provinces could not have prevented implementation for they were in control in only 4 provinces.

The decision on federation in contrast, had had been surrounded by considerable controversy. The controversy had lengthened the time taken over the decision, had led to the decision being left open, had meant that no target date had been set for its implementation and there was unwillingness to reopen and amend the decision. The number of parties involved was very large and virtually all of them became involved in the negotiations that followed. Opposition to the decision came from two extremes, the diehards in the Conservative Party felt federation went too far in transferring responsibility to Indian hands at the centre, while the Congress opposed the scheme as it did not signify a real transfer of power into Indian hands. The controversy was resolved by excluding the Congress from decision-making, and by making the Act conservative, stiff with safeguards, and by giving the princes a role in the proposed federation out of proportion to their position in the country. This ensured that the Act passed into the statute books, but it created problems during implementation.

While the Government of India sought to bring in the princes, its task made difficult, by a change in the princes attitude which was by then one of hostility, by the presence of domestic pressures, and by the lack of cooperation from the Political Department, the principal target party, the Congress, not only withheld its cooperation, but worked actively to revolutionise the scheme, to wrest for the party a dominant position in the federation. This it has been seen, turned the princes completely against federation, and made the Muslims too hostile. The Congress Party's unwillingness to cooperate with the decision as it stood was responsible for the princes finally rejecting the revised Instrument of Accession.

"Furthermore, it is difficult to escape the conclusion that the task of landing the princes could not be isolated from the British India problem. The princes' attitudes to federation were conditioned by events in British India. In 1929 and 1930 the princes espoused the federal idea chiefly because they feared the exercise of paramountcy, large and undefined, by a viceroy subject to the influence of a strong, reformed British Indian centre The princes could only be brought into a federation if British India were first seen to be united and if public opinion were felt to be irresistibly favourable to federation." [17]

Comparison between the cases of provincial autonomy and federation suggests that a scheme of federation which had the support of the Congress would have stood a better chance of being successfully implemented. Provincial autonomy, it has been shown, was implemented because the majority of the members of the Congress Party were in favour of implementing the decision, by contesting the elections and by accepting office in the provinces in which they were in a majority. In contrast, the Congress Party opposed the decision on federation and the Party's opposition effectively prevented implementation. As Moore suggests, Britain would have done better to have concentrated on the British Indian problem. This would have meant formulating a decision that was acceptable to the main political force in British India, the Congress Party.

[17] Moore, R.J. (1970) "The Making of India's Paper Federation, 1927-35", in Philips, C.H. & Wainwright, M.D. (eds) The Partition of India, London, George Allen & Unwin, pp 76-77.

"One can only speculate upon what might have happened if, after the failure of the Second Round Table conference to solve the communal problem, Britain had declined to proceed unilaterally. The alternative was the Congress proposal to call together some kind of constituent assembly to draft a constitution that provided acceptable safeguards for the minorities and for British interests." [18]

But Moore goes on to state that such a course of action was unlikely given the climate of political opinion in Britain.

"One suspects that the proposal was thought to be tainted at its source. Such a procedure would never have been condoned by the Conservatives of the thirties." [19]

It is possible to generalise from the evidence of the case studies and suggest that one way to increase the probability of successful implementation is to consider problems of implementation at the time of decision-making.

In their analysis of the failure of the EDA program in Oakland, Pressman and Wildavsky came to a similar conclusion in making policy recommendations.

"The great problem, as we understand it, is to make the difficulties of implementation a part of the initial formulation of policy. Implementation must not be conceived as a process that takes place after, and independent of, the design of policy."

....

"We have learned one important lesson from the EDA experience in Oakland; implementation should not be divorced from policy. There is no point in having good ideas if they cannot be carried out. Stated in the form of this homily, everyone would agree. But in the EDA Oakland program, the formulation of policy was divorced from its eventual attempt at

[18] *ibid*, p 78.

[19] *ibid*, p 78.

execution." [20]

In the EDA program, separation of implementation from policy meant that there was an emphasis on designing the program, obtaining initial agreement and committing the necessary funds, while the steps required for implementation were seen as routine and were expected to follow as a matter of course.

In the cases of provincial autonomy and federation, separation of implementation from decision-making, meant that the Congress Party was excluded from the making of both decisions, though it had the ability to cooperate and thus ensure successful implementation, or to resist and prevent implementation in both cases. It is interesting to note, that mention of the Hindu Liberals, who played such a prominent role in devising the federal scheme, is conspicuous by its absence in all historical works that deal with the period during which attempts were made to implement federation. An emphasis on implementation would have led to greater efforts to accomodate Congress demands. But as Moore suggests, this may not have been possible, given the fact that it was a Conservative Government which had responsibility for making policy towards India.

In a critique of U.S. foreign policy, G. Allison and P. Szanton were also critical of the tendency to concentrate on decisions and to neglect issues of implementation. The authors are critical of:

"the absence of a capacity to foresee problems of implementation. By concentrating on the making of "decisions" and neglecting questions of how to get from here to there, Presidents and Secretaries make it inevitable that some decisions will be put into effect only slowly and partially, or in distorted form. Moreover, the orientation toward "deciding" leads to policies preferable in theory only over courses whose actual consequences might well have been preferable." [21]

[20] Pressman & Wildavsky, Implementation, p143.

[21] Allison, G. & Szanton, P. (1976) Remaking Foreign Policy, New York, Basic Books Inc, p 42.

Though one problem is that decisions are implemented by lower-level officials whose perceptions and objectives may be different from those who make the decisions, this is not, they recognise, the only problem associated with implementation. Another is that probable foreign consequences of U.S. acts need to be taken into account. The U.S. foreign policy organisation needs to be capable of assessing likely foreign developments.

"In both the IPC [22] and offset [23] cases, for example, the United States took actions without understanding their probable effects on foreign governments. In both cases such an understanding could have been obtained, and in both cases it would - or should - have altered U.S. policy choices." [24]

In the making of decisions about India's constitutional future, problems of implementation were ignored. Failure to assess the probable effects and to consider the actual consequences of these decisions, led to problems in implementation and in particular to the non-implementation of federation. Britain concentrated on getting the Act onto the statute books and thus concentrated on making it acceptable to the majority of members of the Conservative Party. An emphasis on issues of implementation would (if it had been possible) have led instead on making it acceptable to the Congress Party.

That the conduct of foreign policy often involves target parties which are capable of acting independently, was recognised explicitly some years ago by Roger Fisher:

"In essence, foreign affairs are affairs which take place outside the United States. They are thus affairs which are not under the exclusive control of the United States but ones in which all or a substantial part

[22] International Petroleum Company. The International Petroleum Company was in dispute with the government of President Belaunde over the ownership of oilfields in Peru.

[23] During the 1960's an issue that figured prominently in U.S. - W. German relations was that of U.S. troops stationed in Germany and the share of the foreign exchange costs of these troops that Germany would cover or offset.

[24] Allison & Szanton, Remaking Foreign Policy, pp 41-42.

of the action is being taken by or with the acquiescence of a foreign government." [25]

"The central feature of foreign affairs is that its problems arise where other governments have the power to make decisions. Major actors are those whom we do not control. The resolution of international problems requires actions - decisions - by countries other than ourselves. We will, I believe, be more effective in foreign affairs if we realise that most of the job consists of exerting influence - usually marginal- on the decisions of others." [26]

Though the term implementation is not used, it was concern about issues of implementation that led him to argue for a major shift in perspective in the conduct of foreign policy. For policy to be effectively implemented, he argued, it was necessary to recognise that implementation depended on actors whom one could not control. If they were to be successfully influenced, it was necessary to start with the problems of the actors one was seeking to influence.

"Since it is their decision which we want to influence, and since they are the ones who will have a choice, it is their state of mind which is crucial. The focus of our policy is their decision. Our job is to so alter their perception of their choice that they will decide in the way we prefer. How they feel about the choice we will be asking them to make is just as important to us as how we feel about it. Typically the taking of international action concentrates first on domestic political feelings and limitations. What is it that we want? The views which are prevalent in the press, around the country, and in the various departments of government are reconciled, and a statement is produced. Such a statement is often issued without conscious attention to who it is that we want to make a decision, to what the decision is that we want and can expect them to make, or how we propose to go about convincing them that they ought to make it. The starting point should, instead, be the political problems of those we are trying to influence. What is their view of the situation? Can we say

[25] Fisher, R. (1971) Basic Negotiating Strategy, London, Allen Lane, p 18.

[26] ibid, p21.

anything which will affect that view - affect their political problem? What kind of a decision can we formulate which will be practical for them in their terms?" [27]

In making decisions about India's constitutional future, problems of implementation were neglected. Some attempts were made to accomodate the demands of the target parties in India, but when this proved difficult to reconcile with the political climate in Britain, Britain proceeded unilaterally and domestic considerations predominated in shaping the new constitution.

"Once again, the impact of British politics had affected the conduct of Indian affairs. Whilst in the eighteenth century it had been Indian politics that for many years dominated the British Parliament, it was British politics at the time of the Government of India Act that chiefly frustrated agreement on a united India." [28]

"It is also the fundamental charge against the Conservative policy-makers of 1930-5: they failed to take sufficient account of the fact that the paper federation met the minimum demands of neither the Congress nor the Muslims." [29]

This did not prevent implementation of some of the decisions incorporated in the Act, and the propositions suggest various factors which contributed to these decisions being implemented. The proposed all-India federation remained a 'paper federation'. It was not implemented, for "it was flawed in essential respects". [30]

[27] ibid, p24.

[28] Templewood, Viscount (1954) Nine Troubled Years, London, Collins, p103.

[29] Moore, "Paper Federation", p 55.

[30] Moore, "Paper Federation", p 78.

6.4 Pluralist and other perspectives on implementation.

This study has analysed implementation from a pluralist perspective; it incorporates a view of the state as being highly fragmented, composed of several groups such as political parties, bureaucracies and interest groups. It required an identification of the plurality of actors involved and an analysis of their interactions on the issues being studied, namely, implementation of the decisions incorporated in the Government of India Act, 1935. The pluralist approach was adopted as one which provided the best description of the attempts at implementation. It was also one which provided a fruitful approach for investigation of the phenomenon of implementation.

The above analysis of implementation, places the study in the pluralist school or approach. Other approaches, such as the realist and structuralist approaches can also be identified. The three perspectives express broad differences of philosophy and of emphasis in the study of world politics. Each perspective sees a different relationship between the international system and its components. In the realist perspective, the anarchic international system and the existence of independent states leads to a situation of insecurity so that the possibility of violence is ever present. In the pluralist perspective there is multilateral adaptation by the various actors. In the structuralist perspective the actions of the parts are determined by the dominance structure built into the international system. In the first category, change is possible as the power of particular states increases or decreases. In the second perspective, the possibilities of reform are admitted and it is accepted that better management can lead to more effective action by the actors of the international system. This possibility for reform is rejected by those who adopt the structuralist perspective. They see the dominance of certain classes over others as being built into the system. The only way to achieve reform according to this perspective, is through radical political action that leads to fundamental changes so that a system which systematically oppresses some of its members is replaced by one which does not. Thus those who adopt the first perspective stress the need for political realism in which actions are based on rational calculations of capabilities; those

who adopt the second see the possibility of progress by adaptation to changing circumstances; while those who adopt the third see such efforts as futile as long as the dominance structure in the system remains unaffected.

This division into schools of thought is an attempt to organise the vast literature that now exists on the subject of international relations. These are broad and arbitrarily imposed categories on a complex and diffuse subject matter, so that some works may not fit neatly into any one of these categories, while others may seem to belong to more than one category. The choice of categories or perspectives in which the subject matter is arranged is, to a large extent, an individual choice.

R. Pettman identified two categories, pluralist and structuralist, [31] into which theories in international relations can be divided; each perspective has certain advantages and some inadequacies, but both have important contributions to make to the subject. M. Smith, R. Little and M. Shackleton divide theories into three categories, realist, pluralist and structuralist. [32] M. Banks had suggested that literature in international relations can be divided into four approaches or paradigms. [33] These four paradigms were identified by Banks as follows: 1) State centric paradigm - also known as the billiard-ball or power political approach. Explanations of world events are given in terms of state behaviour, as the state is regarded as the primary unit of analysis and the role of other actors is seen as being secondary. 2) International relations paradigm. Analysis of state behaviour is considered necessary but the need to examine other phenomena such as alliances, non-state actors and economic relationships is recognised. States themselves are not seen as billiard balls, but as varied and complex entities. The number of variables to be considered is vast and analysis is thus difficult. The boundaries of this approach are almost non-existent. 3) World society

[31] Pettman, R. (1981) "Competing paradigms in international politics", Review of International Studies, Vol 7(1), 39-49.

[32] Smith, M., Little, R. & Shackleton, M. (eds) (1981) Perspectives on World Politics, London, Croom Helm.

[33] Banks, M. (1978) "Ways of Analysing World Society", in Groom, A.J.R. & Mitchell, C.R. (eds) International Relations Theory, London, Frances Pinter.

paradigm. The world is seen in terms of a cobweb model composed of many overlapping systems and analysis is not in terms of the state but of the system as a whole. 4) Global social class paradigm. Analysis is not in terms of states or actors, but in terms of classes and the dominance exercised by some classes over others. It may be possible to identify other perspectives as well, and it is not always clear where the boundaries of each perspective lie.

Both Pettman and Smith et al go beyond a mere organisation of the literature into categories. Whether one adopts the pluralist or the structuralist perspective is important, wrote Pettman, because the concept of world society that one arrives at differs according to which perspective one adopts. The three perspectives adopted by Smith et al, do not just provide a framework for the organisation of existing literature but "shape the forms of academic activity and practical politics where they are implicitly or explicitly adopted." [34] Thus it is necessary to recognise which perspective is being adopted as this can "colour and at the same time reflect issues of method, values and action". The three perspectives are not just facets of an agreed 'world' but provide different versions of the world as a whole.

Smith, Little and Shackleton, identify three perspectives on world politics. 1) Realism - the politics of power and security which assumes the dominance of states as the primary actors in world politics, with groups being able to exercise influence only by affecting the policies of states. 2) Pluralism - the politics of interdependence and transnationalism. In this perspective, the state, instead of being viewed as a cohesive autonomous actor is seen as being highly fragmented, composed of a number of groups, such as political parties, bureaucracies and interest groups. Not only is the state fragmented, other non-state actors too actively participate in world politics. The activities of both subnational and transnational actors leads to a condition where the international system explodes. 3) Structuralism - The politics of dominance and dependence. The real actors in world politics are not states or mixed actors, but dominant class or economic interests which act

[34] Smith, Little & Shackleton, World Politics, p13.

through states to preserve their position of dominance both within and between nations. What emerges from this perspective is a global structure within which those in a dominant position systematically prevent those in a dependent position from achieving an improvement in their condition.

"The three perspectives are not simply rival theories about what world politics looks like. Built into the perspectives are evaluators about what the world ought to look like and how that desired state of affairs can be achieved. These elements profoundly affect the aspects of world politics which are examined and the way in which events in the international arena are explained. The perspectives not only establish rival theories about how the world operates but also rival programmes of action." [35]

That it is possible to adopt another perspective such as a structuralist perspective in the analysis of implementation, has been explicitly recognised:

"Some social scientists, particularly those in the Marxist tradition, might argue that there is a deeper level at which one might speak of quasi-administrative limits on implementation than the level of policy objectives. This is the level of social structure in a broad sense. In particular, it might be argued that, even if policies are sincerely pursued, many administrative problems are intractable because they are rooted in the nature of a class society. Administrative structures are not autonomous from class structures in practice, so administrative 'tinkering' in the face of class power will be futile." [36]

While recognising that analysis is possible from another perspective, Hood suggests that such an approach is not fruitful for analysis: ".... it does not tell you very much about the precise circumstances in which administrative measures will fail. Clearly, all administrative measures do not fail in the same way or to the same extent. Some even succeed. To attribute all cases of administrative failure to class struggle and to the

[35] Smith, Little & Shackleton, World Politics, p24.

[36] Hood, C.C. (1976) The Limits of Administration, London, John Wiley, p194.

power of one class or another is to argue by a process of definition" [37]

Adoption of another perspective for the analysis of implementation would lead to a different description, explanation and prescription. If, for example, a structuralist perspective was adopted to analyse the case studies examined in this study, description would not consist of identifying who was involved and on the negotiations which took place, but an attempt would perhaps be made to identify key interest groups. Explanation would involve showing how successful implementation resulted when key interest groups were in favour, or how failure of implementation came about by manipulation of events by these key interest groups to prevent implementation when they were opposed. It should be pointed out that manipulation of events does not necessarily mean that key interests are a party to them, for there is a second, less visible face of power, when power is wielded behind the scenes by those who exercise dominance in a given situation. [38] Finally, prescription would not consist of recommendations for better management of the bargaining process, but would advocate ways of bringing about a change in the existing dominance structure.

Recognition of the location of the present study in the pluralist approach is important for it leads to an awareness that it is possible to study implementation from other perspectives, that there can be other views of implementation.

6.5 Conclusion

While the importance of the study of implementation in decision-making analysis was recognised quite early on, issues of implementation tended to be largely ignored. In the early studies of decision-making, the emphasis was on the process by which decisions are arrived at, and the execution of these decisions was regarded as a simple matter, one that followed as a

[37] ibid, p 194.

[38] Bachrach, P. & Baratz, M.S. (1962) "Two Faces of Power", American Political Science Review, Vol 56(3), 947-952.

matter of course. It led Pressman and Wildavsky to assert: "Research on implementation is primarily conspicuous by its absence." [39]

Since this sweeping (and not entirely justified) assertion, there has been a major expansion in the literature in the field of political science, and some of the more important works have been referred to in Chapter One. In a second edition of the book, brought out six years after the first, Wildavsky wrote:

"'Previewers' of the first edition took us to task for failing to integrate our findings into the vast literature on the subject. So we tried to prove a negative - namely, that at the time we wrote there was little such literature. Today that is no longer true; the literature is growing so rapidly that the bibliography (replacing the appendix saying 'no one was there') can only be suggestive rather than comprehensive." [40]

In the study of foreign policy, implementation issues continued to be neglected. Early works on decision-making tended to consider issues of implementation implicitly rather than explicitly. The expansion in the studies of implementation in political science, is however now being reflected in studies of implementation in foreign policy. The study of decision-making developed first outside the study of international relations and there was a time lag, before it was applied to foreign policy decision-making. Similarly, issues of implementation, studied in political science are, after a similar time lag being applied to issues of implementation in the field of international relations.

The recent works on implementation in the literature of international relations show that there is a very wide range of issues that can be studied in an analysis of the phenomenon of implementation. The present study, it is clear, has dealt with only a few of the issues involved in implementation. Some, though by no means all, of these other aspects of implementation are enumerated below.

[39] Pressman & Wildavsky, Implementation, p 167.

[40] Pressman, J.L. & Wildavsky, A. (1979) Implementation, 2nd edition, Berkeley, University of California Press, p xv.

This study has dealt with decision and implementation as a closely integrated process. Though the historical background to the case studies was gone into briefly, the propositions dealt primarily with the period of decision-making and implementation. A study of the development of the ICBM in the USA, suggests that what happens in the pre-decision period may also be of great relevance. [41] The major part of the book provides a detailed review of what happens before a major decision. It is devoted to the period prior to the assignment of highest priority to the development of an ICBM.

"A major American redirection of effort to accelerate ballistic missile development did not occur until 1953-54, some seven years after the Soviet Union had initiated such a program. The reasons for the later American lag in ICBM attainment will be seen to lie in these years. They will consequently be studied at length. This approach differs significantly from the more usual concentration upon the pulling and hauling attendant upon a major decision. The latter moments are usually marked by the participation of those occupying the highest positions in the government. I hope to cast light on what happens before this point.

The date of arrival of an issue for high-level action can be as important as its resolution. Indeed, in the case of ballistic missiles, this might well have been the case. Yet, an issue may be invisible not because it is irrelevant or impractical, but simply because it hasn't been brought up to the "visible" level. And this lack of visibility may be due not to its unimportance, but rather to an organisation's failure to provide important information for the busy, often harried top figures. Government leaders cannot be expected to keep abreast of all developments on their own, and I shall provide a detailed review of what happens before a major decision. This period may well shape the timing of the large decision as well as its nature. It should be examined more often. (emphasis added) [42]

The present study concentrated on a few select decisions and their implementation, but it is also possible to consider implementation of a range of decisions, within a given international context. Such an approach

[41] Beard, E. (1976) Developing the ICBM, New York, Columbia University Press.

[42] ibid, p 12.

was adopted in an analysis of implementation of decisions within the European Community. [43] The study led to the conclusion that the Community has been more successful in the sphere of 'low politics', such as in removing barriers to trade between its member states, than it has been in implementing policy in the sphere of 'high politics'. There has, the study shows, been little progress in implementing the Community's original objective of developing an economic and political union capable of exerting supranational power and authority over its constituent states; in this sphere progress has been slow, and 'incrementalism is the order of the day'.

Policies agreed internationally but implemented within individual states have also been the subject of analysis. [44] Implementation of international agreements, it was found, created difficulties for a variety of reasons; implementation depended primarily on national agencies, participants in the agreement are culturally, politically and economically diverse and the pace of international cooperation is extremely slow.

David Lewis points to a difficulty that can arise in the study of implementation, one that did not arise in the cases studied, recognising successful implementation is not necessarily an easy matter. Difficulties can arise, for example, if policies are modified and developed during the period of implementation. It then becomes necessary to determine whether these modifications indicate success or failure. Lewis lists eight possible criteria for success. [45]

1. The policy has been carried out exactly, and without any variation.
2. The policy has achieved its objectives.
3. The implementation of the policy has resulted in the best possible outcome.

[43] Allen, D. & Byrne, P. (1985) "Multilateral Decision-Making and Implementation: The Case of the European Community", in Smith & Clarke (eds), Foreign Policy Implementation.

[44] Wallace, H. (1984) "Implementation across National Boundaries" in Lewis & Wallace (eds) Policies into Practice.

[45] Lewis, D. "Improving Implementation", pp 212-213.

4. The implementation of the policy has produced the best outcome for the organisation(s) responsible for the policy and/or its implementation.

5. Implementation has not been accompanied by undesirable and unexpected side-effects.

6. The measures taken to implement the policy have been appropriately designed and are cost-effective.

7. Implementation has met with general public assent.

8. Implementation has satisfied the expectations aroused by the policy.

Lewis rejects 1 and 2 as being too restrictive, 3 as being too vague to be useful, 4 and 5 as being too narrow, and concludes that a general criterion can be obtained by combining the last 3 criteria. "The 'successful' implementation of a policy is the cost-effective use of appropriate mechanisms and procedures in such a way as to fulfil the expectations aroused by the policy and retain general public assent." [46]

A study of the unsuccessful attempts to implement oil sanctions against Rhodesia by the British Government after declaration of UDI (Unilateral Declaration of Independence) on 11 November 1965 indicates that the decision to impose sanctions had two dimensions.

"At one level the decision can be labelled strategic, the object being to induce political change in Rhodesia. At another level the decision was symbolic, the object being to demonstrate or signal concern about and disapproval of UDI, to a domestic and especially to an international audience." [47]

There is general agreement that, in strategic terms, sanctions were a failure, they were not implemented. [48] However an analysis which concentrates on the problems encountered in implementing sanctions does

[46] *ibid*, p215.

[47] White, "Implementation of Oil Sanctions", p 39.

[48] This provides an example of a case in which success or failure is clearly indicated.

not by itself provide an adequate explanation. This is because the decision had another dimension, the symbolic dimension.

"To the extent that the decision was strategic and designed to secure compliance, then implementation was crucial. The policy that flows from the decision must be implemented if compliance is to be achieved.... On the other hand, to the extent that the decision was symbolic, the implementation process was much less significant. If a policy is essentially presentational, it merely needs to exist and to have a degree of credibility." [49]

The study concludes that sanctions against Rhodesia served primarily symbolic functions for the British government, and thus non-implementation was not critical. This is supported by other studies which conclude that sanctions are most useful as 'expressive acts' - they serve to express protest and condemnation.

Not only are sanctions often imposed as symbolic acts to declare the position of a government both domestically and internationally, there is much in foreign policy that is 'intentionally vague and highly declaratory'. Thus one should be aware that when the symbolic dimensions of a policy are important, analysis of implementation in strategic terms alone will not be adequate.

"if we concentrate only on the limited, but specific, behavioural changes demanded by the Final Act, then we will miss a great deal of the posturing and declaratory activity that is a vital part of the foreign policy outputs." [50]

The above studies indicate that a behavioural analysis of implementation as was undertaken in this study, will not always be appropriate. If policy is declaratory, intended to serve symbolic functions, it will be necessary to recognise this and to be aware of this in analysing implementation of that policy.

[49] White, "Implementation of Oil Sanctions", p 39.

[50] Clarke, M. "Implementation of Britain's CSCE Policy", p148.

It has been recognised that implementation is a complex process, with a greater number and diversity of actors than are to be identified in decision-making:

"the study of policy-making is concerned with the activities and attitudes of formal political leaders, institutions and definable groups, whereas the study of policy outputs is more concerned with the working of informal groupings, lower-level officials and half-understood procedures." [51]

The complexity is further increased when implementation is studied in a complex arena such as a world political economy:

"Current levels of uncertainty in the world economy and its institutions make the arena of international economic policy implementation a very difficult and problematic one. It is, a highly complex arena with unique difficulties of analysis and implementation," [52]

While earlier, it was the complexity of the implementation process that led to its neglect, it is now recognised that it is this very complexity that makes studies of implementation vitally necessary:

"What is very clear, however, is that the analysis of implementation is of fundamental importance. Given the extent of knowledge about the international monetary process, the degree of complexity of the structure and the levels of risk and uncertainty presently prevailing, implementation is the key to the success or failure of IMP. [53] And the process of implementation itself - whether within the institutional confines of 'Banks' or 'Treasuries' or the arena of international political activity - is political. Implementation can no longer be assumed to be a matter of technical application of objective criteria, as was the tendency

[51] Smith & Clarke, "Foreign Policy Implementation and Foreign Policy Behaviour", p 5.

[52] Tooze, R. (1985) "Implementation in a Complex Arena: International Economic Policy in World Political Economy", in Smith & Clarke (eds) Foreign Policy Implementation, p 121.

[53] International Monetary Policy.

in the Bretton Woods period." [54]

The complexity of the implementation process causes difficulties in analysis, in that it is difficult to adopt a deductive approach to the study of implementation. In trying to characterise the process of implementation of international agreements, for example, H. Wallace found that:

"the process of agreeing and executing policies through international agreement is often experimental and tentative" [55]

The fact that policy-making at the international level is a process of gradually moving towards a consensus through mutual persuasion, the immense diversity of the participants in the process, and the slow pace at which international cooperation moves, all led her to conclude:

"These inchoate features of international co-operation illuminate the difficulties of identifying an international policy process or its parameters." [56]

Though complex, and difficult to characterise within a theoretical framework or conceptual scheme, particularly when analysis is extended beyond the two-tier model to encompass the environment in which the decision is implemented, implementation, involving as it does, a shift in focus from decision to behaviour, goes, as it were, to the heart of the subject matter of international relations.

The complexity of the process does not however mean that only historical analyses of implementation are possible. The case study approach makes it possible to seek generalisations about this complex subject matter. The recent works on implementation referred to above have all adopted the case study approach in analysing a range of cases of implementation. The method adopted here was that of comparison of a small number of cases of implementation within a particular historical

[54] Tooze, "Implementation in a Complex Arena", p 120.

[55] Wallace, "Implementation Across National Boundaries", p 129.

[56] *ibid*, p 132.

framework. Some of the advantages of adopting a case study approach were set out earlier in Chapter One. Another advantage, revealed by the recent works on foreign policy implementation and by the present study, is that it enables one to seek generalisations of a complex subject matter. The importance of the study of implementation is now generally accepted. The case study method has enabled a beginning to be made in the analysis of cases of implementation that cross national boundaries.

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